



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/CV/24/1090

Re: Property at 56 Kelvingrove St, Glasgow, G3 7SA (“the Property”)

Parties:

Mr Paul Kraszewski, Kelvinview, Howe Rd, Glasgow, North Lanarkshire, G65 0TA (“the Applicant”)

Truth Property, Mr Gurween Bhogal, 37 Sollas Gardens, Newton Mearns, Glasgow, G77 5XD (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of NINE HUNDRED AND FIFTY POUNDS (£950.00) Sterling be granted.

Background

1. By application between 6 and 19 March 2024 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of £950.00 being rent and deposit not refunded and due and owing by the Respondent to the Applicant arising from a tenancy agreement between the Parties.
2. The Application comprised proof of a deposit of £460.00 and rent of £490.00 paid together with proof of requests for the deposit to be refunded. The Application set out that a refund of the final months’ rent was sought in compensation for the failure to return the deposit and other matters.

3. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 29 August 2024 at 10.00 by telephone conference. The CMD was intimated to the Parties, and to the Respondent, in particular, by Sheriff Officer on 1 August 2024.

CMD

4. The CMD took place on 29 August 2024 at 11.30 by telephone. The Applicant was present and was not represented. The Respondent was not present and was not represented. The Tribunal took the view that the Respondent was aware of the CMD and had chosen not to attend. Accordingly, the Tribunal proceeded in the absence of the Respondent.
5. The Applicant confirmed to the Tribunal that the sum of £950.00 remains due and owing as no payments have been made.

Findings in Fact

6. From the Application and the Hearing, the Tribunal made the following findings in fact: -
 - i) There had a private residential tenancy of the Property between the Parties at an initial monthly rent of £460.00 which increased to £490.00;
 - ii) The Applicant paid a deposit of £460.00 on 26 August 2022;
 - iii) The Applicant paid £490.00 on 1 May 2023;
 - iv) The Respondent has failed to refund the deposit of £460.00;
 - v) The Respondent has failed to pay the £490.00 claimed in compensation;
 - vi) The Respondent has not opposed the Application.

Decision and reasons for the decision

7. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” Having found in fact that the Respondent is due and owing to the Applicant for the sum of £950.00, the Tribunal proceeded to make an order for payment in the sum of £950.00.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Karen Moore

Legal Member/Chair

29 August 2024
Date