



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/24/1249

Re: Property at 18B Glenacre Road, Cumbernauld, G67 2NZ (“the Property”)

Parties:

Sunshine Housing Limited, Suite 1.9 Red Tree Magenta, 270 Glasgow, Rutherglen, Glasgow, G73 1UZ (“the Applicant”)

Mr Leo McDade, 18B Glenacre Road, Cumbernauld, G67 2NZ (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Gordon Laurie (Ordinary 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 be granted in the sum of £5,076.33.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application dated 13 March 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 8 February 2023;
3. Rent Arrears Statement at 12 January 2024;
4. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 8 August 2024.

CMD

The case called for a CMD by conference call on 10 September 2024. The Applicant did not participate but was represented by its Letting Agent. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicants' Representative confirmed that the amount of arrears had increased to £8,046.33.

The Tribunal then considered the documentary and oral evidence it had received from the Parties and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 8 February 2023;
2. The monthly rent was £495;
3. As at the date of the application the Respondent was in arrears of rent in the sum of £5,076.33;
4. As at the date of the CMD the Respondent was in arrears of rent in the sum of £8,046.33.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicants were due the outstanding rent from the Respondent and granted the order sought in the amount of £5,076.33 which was the last amount communicated to the Respondent in terms of the application.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Alan Strain

10 September 2024

Legal Member/Chair

Date