



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”)**

**Chamber Ref:** FTS/HPC/CV/24/1247

**Re:** 23E Kilcreggan View, Greenock, PA15 3JA (“the Property”)

**Parties:**

**Grinhaus Ltd, a company incorporated under the Companies Acts (company number 12081104) and having its registered office address at 124 City Road, London, England, EC1V 2NX (“the Applicant”)**

**Mr Kieran Giff, 23E Kilcreggan View, Greenock, PA15 3JA (“the Respondent”)**

**Tribunal Member:**

**Pamela Woodman (Legal Member)**

**Present:**

The case management discussion took place at 2pm on Monday 23 September 2024 by teleconference call (“**the CMD**”). The Applicant was not present but was represented by Ms Annette Weston of Corbett & Shields. The Respondent was not present and was not represented at the CMD. The clerk to the Tribunal was Kimberley Jamieson. There was also one observer.

**DECISION**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment for £2,935.15 be granted against the Respondent in favour of the Applicant.**

**BACKGROUND**

1. An application had been made to the Tribunal under section 71(1) of the 2016 Act and in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“**HPC Rules**”) which are set out in the schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. More specifically, the application was made in

terms of rule 111 (*Application for civil proceedings in relation to a private residential tenancy*) of the HPC Rules.

2. The order sought from the Tribunal was an order for payment against the Respondent.
3. Various documents were provided in support of the application, including copies of the following:
  - a. Scottish private residential tenancy agreement between the Applicant and the Respondent dated 10 September 2021 (“**Tenancy Agreement**”), providing for:
    - i. a start date of 10 September 2021;
    - ii. rent of £450 per calendar month, payable in advance;
    - iii. a rent increase process; and
    - iv. payment of a rent deposit of £450.
  - b. Rental statements dated:
    - i. 21 March 2024, in respect of rents due and paid in the period from 14 February 2023 to 7 March 2024 – showing arrears of £2,717;
    - ii. 23 April 2024, in respect of rents due and paid in the period from 14 February 2023 to 7 April 2024 – showing arrears of £3,180.50; and
    - iii. 22 August 2024, in respect of rents due and paid in the period from 14 February 2023 to 7 August 2024 – showing arrears of £2,935.15.
4. A notice of acceptance of the application was issued by the Tribunal dated 14 May 2024 under rule 9 of the HPC Rules, which confirmed that the application paperwork had been received by the Tribunal between 14 March 2024 to 23 April 2024.
5. The Tribunal had received a certificate of intimation from Walker Love, sheriff officers, confirming service of the case papers on and notification of the CMD to the Respondent by handing those to him personally on 22 August 2024.
6. The Respondent had not provided written submissions and had not otherwise engaged with the Tribunal in relation to these proceedings.
7. This decision arises out of the CMD.

#### **PROCEEDINGS, NAMELY THE CMD**

8. The Tribunal noted that it was satisfied that the Respondent had received notice of the CMD (through service by sheriff officers) and, accordingly, that the CMD could proceed in the absence of the Respondent.

9. In addition, Ms Weston confirmed that she had reminded the Respondent about the CMD on more than one occasion.
10. The Tribunal confirmed that it consented to the amendment of the amount claimed to £2,935.15 as per the revised rent statement dated 22 August 2024, it having been submitted more than 14 days prior to the date of the CMD and noting that it was for a lower amount than that previously claimed (following the making of some payments by the Respondent).
11. Ms Weston confirmed that the Respondent was still in occupation of the Property and that the current amount of arrears as at the date of the CMD was £2,999.30. She noted that the last payment made was on 6 September 2024. It was also noted that an additional month's rent would have been charged as at 7 September 2024.
12. Ms Weston explained that the first entry in the rent statements for 14 February 2023 for £2,000 was as a result of Corbett & Shields using a different system up until that date and so, as at that date, the arrears balance was carried over from the old system.
13. Ms Weston confirmed that the rent had been increased by 3% by the Applicant from £450 to £463.50 (according to the rent statements, this was applied from 7 October 2023) and was notified to the Respondent by e-mail in accordance with the Tenancy Agreement.
14. Ms Weston noted that she understood that the Respondent accepted that he had rent arrears and had not disputed the amounts set out in the rent statements.

## **FINDINGS IN FACT**

15. The Tribunal was satisfied, on the balance of probabilities, that rent at a rate of £450 per calendar month and then £463.50 per calendar month was payable under the Tenancy Agreement in respect of the Property.
16. The Tribunal was satisfied, on the balance of probabilities, that there were arrears of rent to (and including) 7 August 2024 of £2,935.15.

## **REASONS FOR DECISION**

17. The Tribunal found, on the balance of probabilities, that £2,935.15 was due and payable by the Respondent to the Applicant.

## **DECISION**

18. The Tribunal granted the application under section 71(1) of the 2016 Act for an order for payment in the sum of £2,935.15 (two thousand, nine hundred and thirty-five pounds and fifteen pence sterling).

## **Right of Appeal**

In terms of Section 46 of the Tribunals (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.

Pamela Woodman

*P S Woodman*

*23 September 2024*

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**Legal Member (chair)**

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**Date**