



**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**

**Chamber Ref: FTS/HPC/CV/24/2162**

**Re: Property at 1/1 23 Brodie Drive, Glasgow, G69 6FD (“the Property”)**

**Parties:**

**Mr Scott Martin, 25 Brodie Drive, Glasgow, G69 6FD (“the Applicant”)**

**Ms Joanne MacPherson, 1/1 23 Brodie Drive, Glasgow, G69 6FD (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £1063 (ONE THOUSAND AND SIXTY THREE POUNDS).**

**Background**

1. An application was received by the Housing and Property Chamber dated 9<sup>th</sup> May 2024. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 26<sup>th</sup> June 2024 all parties were written to with the date for the Case Management Discussion (“CMD”) of 3<sup>rd</sup> October 2024 at 11.30am by teleconferencing. The letter also requested all written representations be submitted by 16<sup>th</sup> September 2024.
3. On 27<sup>th</sup> August 2024, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent. This was evidenced by Certificate of Intimation dated 27<sup>th</sup> August 2024.

### The Case Management Discussion

4. A CMD was held 3<sup>rd</sup> October 2024 at 11.30am by teleconferencing. The Applicant was represented by Mr George Reynolds, Director, Smart Move Estate and Letting Agents. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
5. Mr Reynolds said that the Respondent had been a model tenant but then suddenly stopped paying her rent. The arrears are currently £2160.25. The Tribunal noted that as there was not an amendment made in advance of the CMD the amount sought could not be increased to this amount. Mr Reynolds was aware of that point.
6. Mr Reynolds initially said that he had last heard from the Respondent when she had called to say she had put the keys through the Property's door on 9<sup>th</sup> August 2024. The Tribunal noted that the Sheriff Officers had served the notice of today's CMD on 27<sup>th</sup> August 2024 which would mean that the Respondent may not know about the CMD. There was a brief adjournment. Mr Reynolds emailed a copy of the final rent account. It was made up to 30<sup>th</sup> August 2024. This is an automatic action by the computer when a tenant leaves. He was sure that the Respondent actually left on 30<sup>th</sup> August 2024. He said that he had said the ninth as he had confused it with the date the application was lodged. The Tribunal accepted this given that there was evidence in the form of the rent account. Taking all this into consideration the Tribunal was content, on balance, that the Respondent left after she got the Sheriff Officer's notice. Mr Reynolds thinks that was the reason that she left the Property. He does not have a forwarding address for her.
7. The Tribunal was satisfied that the outstanding amount for £1063 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

### Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 31<sup>st</sup> October 2019.
9. The Respondent persistently failed to pay her rent charge of £540.70 per month. The rent payments are due each month.
10. The Respondent has made no attempt to address the arrears.
11. The arrears sought total £1063.

### Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1063.

## **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.**

**3 October 2024**

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**Legal Member/Chair**

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**Date**