



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/24/2253

Re: Property at 12 Elm Bank, Kirkintilloch, Glasgow, G66 1PQ (“the Property”)

Parties:

Strategic Thinking Properties Ltd, Unit 5 Springhill Parkway, Glasgow Business Park, Glasgow, G69 6GA (“the Applicant”)

Mr John Kelly, 12 Elm Bank, Kirkintilloch, Glasgow, G66 1PQ (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of FOUR THOUSAND ONE HUNDRED AND SEVENTY FIVE POUNDS (£4,175.00) STERLING.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 24 October 2024, alongside the related application for civil proceedings EV/24/2204. The Applicant was represented by Ms Cooke. The Respondent was not present or represented.
2. In this Application, the Applicant seeks payment of the sum of £3,025, which is said to be due by the Respondent in rent arrears. By email dated 1 October 2024, the Applicant sought permission to amend the Application by increasing the sum claimed to £4,175. It lodged an updated rent schedule in support of that amendment. The amendment request was made timeously, in accordance with Rule 14A of the First-tier Tribunal for Scotland Housing and

Property Chamber Rules of Procedure 2017. Accordingly, the Tribunal allowed the Application to be amended.

3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision; including the need to avoid unnecessary delay.
4. The Respondent has received service of the Application and intimation of the CMD. He has chosen not to lodge written representations or attend the CMD to dispute the allegations made against him by the Applicant. Accordingly, the Tribunal was satisfied that the Respondent does not dispute that he is in rent arrears in the sum of £4,175. The Tribunal accordingly granted the order for payment.

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.

24th October 2024

Legal Member/Chair

Date