



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/24/1794

Re: Property at 107 McGregor Road, Cumbernauld, Glasgow, G67 1JG (“the Property”)

Parties:

Mr James O'Brien, 9 Riddon Place, Glasgow, G13 4NQ (“the Applicant”)

Mr Jamie Brewer and Mrs Pamela Brewar, 13 Laburnum Road, Glasgow, G67 3AA (“the Respondents”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondents in favour of the Applicant in the sum of FIVE HUNDRED AND SIXTY SEVEN POUNDS AND THIRTY SEVEN PENCE (£567.37) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondents.

Background

1. This is an action for rent arrears raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a Private Residential Tenancy Agreement between the parties dated 16 October 2019 and a rent statement to 2 April 2024.

3. On 17 June 2024 the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 18 September 2024 the Tribunal enclosed a copy of the application and invited the Respondents to make written representations to the application by 9 October 2024. The Tribunal advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 23 October 2024. This paperwork was served on the Respondents by Andrew McLean, Sheriff Officer, Glasgow on 19 September 2024 and the Executions of Service were received by the Tribunal administration.
5. The Respondents did not make any representations.

Case Management Discussion

6. The Tribunal proceeded with a CMD on 23 October 2024 by way of teleconference. Mr O’Brien, the Applicant appeared on his own behalf. There was no appearance by or on behalf of the Respondents despite the CMD starting 5 minutes late to allow them plenty of time to join the call. The Tribunal was satisfied the Respondents had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in their absence.
7. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 16 October 2019 and the rent statement to 2 April 2024. The Tribunal considered these documents.
8. Mr O’Brien advised that when the tenancy terminated the Respondents had been in arrears of £567.37. The Tribunal noted the terms of the rent statement which was to 2 April 2024. Mr O’Brien could not remember the exact date it had terminated. After the Respondents left the full tenancy deposit of £495 was returned to him as there was furniture left in the Property and some damage to the walls caused by a fist. The Respondents had not disputed that the full deposit be returned to him. Mr O’Brien advised it had cost a lot more than the deposit to put things right in the Property and just wanted to try to get the arrears owing to him back. He had had to trace the Respondents to their new address but had not written to them and thought they had blocked his number.

Reasons for Decision

9. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Mr O’Brien.

10. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of non-payment of rent. The Respondents had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Mr O'Brien's submissions that an order for payment in favour of the Applicant be granted.

Decision

11. The Tribunal granted an order for payment of £567.37 in favour of the Applicant

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.

Shirley Evans

23 October 2024

Legal Member

Date