



**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/24/2333**

**Re: Property at 9/6 Alexander Street, Alexandria, G83 0PG (“the Property”)**

**Parties:**

**Mrs Susan Gray, 38 Oxhill Road, Dumbarton, G82 4DG (“the Applicant”)**

**Mr Glenn Watson, Flat 0/3 2 Tollcross Park View, Glasgow (“the Respondent”)**

**Tribunal Members:**

**Jan Todd (Legal 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 of the sum of £4,165 be granted in favour of the Applicant from the Respondent.**

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 9<sup>th</sup> May 2024 for an order for payment of arrears of rent from the Respondent who was the Tenant in a Tenancy of the Property from the Applicant.
2. The Applicant was seeking £4,165 in rent arrears.

The following documents were lodged with the application:-

- A copy of a Tenancy Agreement dated 10<sup>th</sup> February 2024 between the Applicant as Landlord and the Respondent who was the Tenant.
- Statement of rent arrears showing sum due of £4325 at 21<sup>st</sup> April 2024.
- 3. The case management discussion (CMD) proceeded today by way of teleconference.

4. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent at his new address at flat 0/3 2 Tollcross Park View Glasgow on 4<sup>th</sup> October 2024 by letterbox service.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited until 11.35 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider but as the Tribunal was satisfied he had been properly served with a copy of the application and associated papers.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. The Applicant attended on the call along with her husband Mr Gray. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and he has not responded in writing or requested any postponement of today's CMD.
4. Mrs Gray advised that the Property was managed had been let to the tenant from 10<sup>th</sup> February 2023 and he had paid the first months rent and the deposit of £450 in February. She advised that quite quickly the Respondent had accrued arrears. The Applicant advised, after some discussion about the rent statement lodged, that she was clear the sum paid was £2310. She advised that despite attempts to set up repayment plans and offer advice to the tenant no more rent was received.
5. Mrs Gray advised that she believes the tenant left the Property by 29<sup>th</sup> April 2024 although he did not return the keys so it is not entirely clear when he left but she advised they had served an eviction notice and on inspection of the Property then it was clear he had left but still had the keys.
6. She confirmed the total due up to 29<sup>th</sup> April was £6,525 and that the tenant had paid £2,310 so the total now due was £4,215 and no further sums have been paid.
7. Both applicants then confirmed that the property has been left in a mess with a deep clean and clearance being required. Mrs Gray confirmed they have claimed the full amount of the deposit towards some of this cost and therefore the deposit is not available to put towards rent arrears.

### **Findings in Fact**

1. The parties entered into a lease of the Property in the form of a Private Residential tenancy which commenced on 10<sup>th</sup> February 2023.
2. The Rent due in terms of the lease is £450 per calendar month payable in advance
3. The tenant had left the property by 29<sup>th</sup> April 2024 but had not returned the keys.
4. The rent outstanding at 29<sup>th</sup> April is £4,215.

5. The Deposit of £450 has been reclaimed by the landlord towards the cost of the clearance of the Property.

- **Reasons for Decision**

6. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £450 per month in rent.
7. The Respondent has failed to pay the full rent due. The Applicants found the property unoccupied when they attended on 29<sup>th</sup> April 2024. The Applicants calculated that the rent due was £4,215. The Applicants have only sought rent in their application of £4,165 so that is the sum the Tribunal can grant.
8. The Respondent was served notice of this application by sheriff officer on 4<sup>th</sup> October 2024 and has not made any written representations or attended this CMD.
9. The Tribunal accepts the verbal statements made by the Applicants who the Tribunal found credible in their evidence that the rent is due and outstanding. Given they have claimed £4,165 and this is the sum in the application that has been intimated to the Respondent the Tribunal grants this amount as due and owing. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £4,165 is granted.

### **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.**

Jan Todd

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**Legal Member/Chair**

\_\_\_\_\_6<sup>th</sup>

**Date**

**November**

**2024**

