



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/CV/24/2702

Re: Property at Flat 5/3, 12 High Street, Merchant Building, Glasgow, G1 1NL (“the Property”)

Parties:

Mr Michael Chalmers, 43 Baileyfield Road, Portobello, Edinburgh, EH15 1NA (“the Applicant”)

Mr Russ McKinlay, Flat 5/3, 12 High Street, Merchant Building, Glasgow, G1 1NL (“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 order for payment is granted to the amount of £14006 (FOURTEEN THOUSAND AND SIX POUNDS).

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £14006 in terms of s16 of the Housing (Scotland) Act 2014.
2. On 8th March 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 25th April 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 29th March 2025.
3. On 11th March 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 11th March 2025.

Case Management Discussion

4. A CMD was held on 25th April 2025 at 2pm by teleconferencing. The Applicant was not present but was represented by Ms Alison Fitzgerald, Solicitor, Lindsays Solicitors. 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. Ms Fitzgerald said that there has been no contact from the Respondent since mid September 2024 when he was in contact with the letting agent. The Respondent left the Property in September 2024. There have been no payments since December 2023. Ms Fitzgerald said that the calculation of the amount due has been reduced to reflect that the deposit of £750 has been returned to the Applicant. It was noted in submissions that the amount sought was adjusted to reflect the original rent charge of £840 per month and the calculation for the days in September that the Respondent was in the Property. The outstanding amount due now is £14006.
6. The Tribunal was satisfied that the outstanding amount for £14006 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings in Fact

7. The parties entered into a Short Assured Tenancy on 1st October 2017 until 1st October 2018 and on a month to month basis thereafter. The rent payments of £840 were due on the first day of each month. The Respondent left the Property on or around 18th September 2024.
8. The Respondent persistently failed to pay his rent charge of £840 per month.
9. There have been no offers of payment to the arrears by the Respondent.
10. The deposit of £750 was returned to the Applicant in relation to the outstanding arrears. This reduced from the outstanding amount sought by the Applicant to reflect the return of the deposit.
11. The arrears sought total £14006.

Decision

12. The Applicant is entitled to an order of payment of £14006 by the Respondent. The Order was granted against the Respondent.

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.

Gabrielle Miller

25th April 2025

Legal Member/Chair

Date