

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/4129

Re: Property at Flat 114, 101 Maxwell Street, Glasgow, G1 4EP (“the Property”)

Parties:

Mr Gerard Houston, 1 Cartview Court, Busby, Glasgow, G76 8EW (“the Applicant”)

Mr Jason Young, Address Unknown (“the Respondent”)

Tribunal Members:

Sarah O'Neill (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 by the Respondent of the sum of £7000 should be granted in favour of the Applicant.

Background

1. An application was received from the Applicant on 27 April 2024 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). The Applicant sought an order for payment of £7000 in respect of rent arrears which were alleged to be due by the Respondent to the Applicant.
2. Attached to the application form were:
 - (i) Copy private residential tenancy agreement between the parties, which commenced on 10 December 2023.

- (ii) Copy pre-action protocol emails from the Applicant to the Respondent regarding the arrears dated 26 January, 21 February and 1 March 2024.
 - (iii) Copy rent statement showing arrears of rent due by the Respondent to be £7000 as at 10 April 2024.
 - (iv) Copy WhatsApp messages between the parties regarding the rent arrears.
3. The application was accepted on 4 September 2024.
 4. A related application for an eviction order (reference no: FTS/HPC/EV/24/1694) under ground 12 (rent arrears) was submitted at around the same time as the present application. An eviction order was granted on 10 October 2024.
 5. An email was received from the Applicant on 10 March 2025 requesting an update on progress with the application. He was advised on 19 March 2025 that due to an administrative oversight, the case had not been scheduled for a case management discussion (CMD).
 6. The Tribunal instructed sheriff officers to serve notice of a case management discussion (CMD) scheduled for 8 May 2025, together with the application papers and guidance notes, on the Respondent at the property address. The sheriff officers were unable to serve the papers on the Respondent at that address. The papers for the CMD were then served by advertisement on the First-Tier Tribunal Housing and Property Chamber website.
 7. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

8. The CMD was held by teleconference call on 8 May 2025. The Applicant was present on the teleconference call and represented himself. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, but the Respondent did not join the teleconference call and no telephone calls or messages had been received from him.
9. The Tribunal had before it a certificate of service by advertisement. This stated that service by advertisement on the Respondent was carried out on the First-Tier Tribunal Housing and Property Chamber website between 24 April and 8 May 2025. The Tribunal was satisfied that the Respondent had been cited to attend the CMD by advertisement in terms of rule 6A of the 2017 rules, and had therefore been given lawful notice of the proceedings. The Tribunal therefore proceeded with the CMD in the absence of the Respondent.

The Applicant's submissions

10. The Applicant confirmed that the Respondent had been evicted from the property on 20 January 2025, but had left some belongings there until 10 February 2025.
11. He told the Tribunal that the Respondent had never paid any rent throughout his tenancy. The Applicant had not taken a tenancy deposit from the Respondent. The outstanding arrears owed by the Respondent as at 10 February 2025 were around £17000.
12. The Applicant asked the Tribunal to grant a payment order in his favour against the Respondent.

Findings in fact

13. The Tribunal made the following findings in fact:
 - The Applicant owns the property jointly with Marcella Houston and is the (joint) registered landlord for the property.
 - There was a private residential tenancy in place between the parties, which commenced on 10 December 2023.
 - The rent payable under the tenancy was £1400 per calendar month.
 - The Respondent was in rent arrears continuously since the beginning of his tenancy until 10 April 2024.
 - The Applicant attempted to engage with the Respondent regarding payment of the arrears, including sending him several pre-action protocol emails.
 - As at the date of the CMD, the Respondent owed the Applicant at least £7000 in rent arrears.

Reasons for decision

14. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties. It therefore proceeded to make a decision at the CMD without a hearing in terms of rules 17(4) and 18 (1) (a) of the 2017 rules.
15. The Tribunal noted that the Applicant had not requested an amendment to the application to increase the sum from the £7000 claimed in the application. Any amendment seeking to increase the sum claimed must be sent to both the Tribunal and the Respondent at least 14 days prior to the CMD, in accordance

with rule 14A of the 2017 rules. It would also be open to the Applicant to submit a new application for the rent arrears owed by the Respondent from April 2024-February 2025.

16. The Applicant confirmed that he wished to seek a payment order for £7000 only, rather than continuing the application to seek an amendment to the sum claimed.

17. No written representations had been received from the Respondent to indicate that he opposed the application. He had not made an application for a time to pay direction.

18. On the basis of all the evidence before it, the Tribunal was satisfied that the Respondent owed £7000 in rent arrears to the Applicant as at the date of the CMD.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £7000.

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.

Sarah O'Neill

12 May 2025

Legal Member/Chair

Date