

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 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/0371

Re: Property at F1/2B, 24 Royal Crescent, Glasgow, G3 7SL (“the Property”)

Parties:

Mr Derek Probert, Flat 1-2, 9 Winton Drive, Glasgow, G12 0PZ (“the Applicant”)

Mr Michael Riding, F1/2B, 24 Royal Crescent, Glasgow, G3 7SL (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £5,400.

Background

1. The Applicant submitted an application under Rule 111 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”). The Applicant sought an order for payment in the sum of £5,400 in respect of arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 16 April 2025 informing both parties that a CMD had been assigned for 17 June 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make

a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 7 May 2025. No representations were received.

The case management discussion – 17 June 2025

4. The CMD took place by conference call. The Applicant was represented by Miss Niamh Kinane. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/0373. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that rent arrears have increased from £5,400 when this application was submitted to £9,900. The last payment made by the Respondent was in September 2024. The Applicant's representative has attempted to contact the Respondent on many occasions, without success. Although the rent arrears have increased, there was no application before the Tribunal to amend the sum sued for.
6. The Tribunal adjourned to consider the information provided. When the CMD reconvened, the Tribunal explained that the members found that the sum of £5,400 was due in respect of rent arrears to January 2025 and that an order for payment in that sum was granted.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 26 October 2022.
8. The contractual monthly rent is £900, payable in advance.
9. The Respondent owes the Applicant £5,400 in respect of rent arrears to January 2025.

Reason for Decision

1. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent did not join the conference call, nor did he lodge any written representations. There was no information before the Tribunal to suggest that the accuracy of the rent statement was in dispute. Although the rent arrears have increased to £9,900, no application to amend the sum sought was received and the Respondent had notice that an application for a payment order in the sum of £5,400 had been made. The Tribunal therefore granted an order for payment against the Respondent in the sum of £5,400.

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.

Nicola Irvine

Legal Member/Chair

17 June 2025

Date