



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/24/5296

Re: Property at Flat 8, 6 Queen Mary Avenue, Glasgow, G42 8DT (“the Property”)

Parties:

Akari Property Limited, 58B Newark Drive, Glasgow, G41 4PX (“the Applicant”)

Miss Brogan MacKay, Flat 8, 6 Queen Mary Avenue, Glasgow, G42 8DT (“the Respondent”)

Tribunal Members:

Nicola Weir (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 in the sum of £1,260.50 should be made in favour of the Applicant.

Background

1. By application received on 18 November 2024, the Applicant applied to the Tribunal for an order for payment of rent arrears of £1,260.50 against the Respondent. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, a rent statement and proof of payments made. It was noted that the tenancy was a joint tenancy but that the other tenant had vacated the Property before the arrears arose, so the Applicant had decided just to proceed against the remaining tenant, the Respondent.

2. Following initial procedure, on 11 December 2024, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 22 May 2025 was served on the Respondent by way of Sheriff Officer on 26 March 2025.
4. No written representations were made by, or on behalf of, the Respondent prior to the CMD.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by telephone conference call on 22 May 2025 at 2pm. Only the Applicant, Ms Siobhan Lawson of Akari Property Ltd was in attendance. The Respondent did not attend, although the Tribunal delayed the commencement of the CMD for 5 minutes to give her an opportunity to join late, but she did not do so.
6. Following introductions and introductory comments by the Legal Member, there was discussion regarding the application and the fact that there had been no representations received from the Respondent and nor was she in attendance at the CMD. Ms Lawson confirmed that an order against the Respondent in the sum of £1,260.50 was still sought in respect of rent arrears, although she confirmed that the Respondent was still in occupation and that the rent arrears now amounted to £5,917. It was noted that an application for an eviction order was now pending with the Tribunal, although there had been some issues with her earlier application, lodged around the same time as this one in November 2024. She confirmed that rent payments were not being made by the Respondent and she has indicated that she is remaining in the Property pending an eviction order being granted.
7. It was explained to Ms Lawson that, although the rent arrears were now higher than the amount sought, as there has been no application from the Applicant sufficiently far in advance of the CMD to increase the sum sought, the Tribunal would only be able to make an order in the original sum sought today. Ms Lawson accepted the position and indicated that she will likely submit a further payment application in due course in respect of the further rent arrears being accrued.
8. The Legal Member confirmed that, given that there is no opposition from the Respondent, she would grant the payment order as sought and that the decision paperwork would be issued shortly. Ms Lawson was thanked for her attendance.

Findings in Fact

1. The Applicant was the owner and landlord of the Property.

2. The Respondent was the joint tenant of the Property by virtue of a Private Residential Tenancy which commenced on 11 September 2023.
3. The joint tenant had vacated the Property in or around 11 March 2024, before the arrears started to accrue but the Respondent remains in occupation.
4. The rent in respect of the tenancy was £566 per calendar month.
5. Rent arrears in terms of this application had started to accrue in or around May 2024 and payments became erratic in terms of the amounts paid by the Respondent, with the monthly rental payments missed altogether or being short.
6. When this application was lodged in November 2024, the arrears amounted to £2,521, although the Applicant had opted only to seek recovery of the sum of £1,260.50 from the Respondent.
7. The last payment towards rent before this application was lodged was £200 on 23 September 2024.
8. The Applicant has sought to engage with the Respondent regarding the arrears but she has failed to address the situation.
9. The Respondent had been called upon to make payment of the rent arrears but has failed to do so.
10. The Respondent did not lodge written representations opposing the application, nor made any time to pay application, nor attended the CMD.
11. The sum of £1,260.50 is due and resting owing to the Applicant by the Respondent in respect of unpaid rent arising from this tenancy.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation and the further oral information provided at the CMD by the Applicant.
2. The Tribunal found that the application was in order and that the original sum of £1,260.50 sought in terms of this application was owing by the Respondent in respect of rent arrears, although the current arrears balance was far higher.
3. The Tribunal did not have any material before it to contradict the Applicant's position or that the Respondent was opposing the application. The Tribunal was satisfied that the Respondent had been served personally with the Tribunal documentation by Sheriff Officer and that this had been served timeously. The

Respondent is thus aware of the application and had chosen not to enter into the Tribunal process. The Tribunal accordingly determined that an order for payment in the sum of £1,260.50 could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.

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 Weir

Legal Member/Chair

22 May 2025
Date