

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 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/24/4935

Re: Property at 15 Heriot Avenue, Paisley, PA2 0DN (“the Property”)

Parties:

CERJK Ltd, incorporated in Scotland (SC621901) and having its registered office at Abercorn House, 79 Renfrew Roaf, Paisley PA3 4DA and a place of business at 28 Moss Street, Paisley PA1 1BA (“the Applicants”) and

Mr Joseph Glen, whose present whereabouts are unknown (“the Respondent”)

**Tribunal Member:
George Clark (Legal Member)**

**Decision (in absence of the Parties)
The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.**

Background

1. By application, dated 12 September 2024, the Applicants sought an Order for Payment in respect of unpaid rent that had become due by the Respondent to the Applicants. The sum sought was £3,650. The Applicants stated that the Parties entered into a lease commencing 7 October 2021 at a rent of £300 per month, the first payment being due on 7 December 2021.
2. The application was accompanied by a list of rental payments made by the Respondent. The Applicants stated that, as at the date of the application, the rent due for the period from 7 December 2021 to 7 September 2024 was £10,200 and the rent paid was £6,650. The Applicants were unable to provide a copy of the tenancy agreement as, they said, it had been retained by the Respondent to enable him to apply for Universal Credit, but they did provide a screenshot of an email of 4 August 2022 from the Universal Credit Service to the Respondent which confirmed the tenancy agreement at a rent of £300 per month. They also provided a note written and signed by the Respondent on 14 April 2022 in which he acknowledged that he had not paid any rent and that he would start paying £300 per month on 14 April 2022 and

would also pay £100 each month towards the arrears, and a copy of an email of 13 April 2022 from the Respondent to Robert Kerr Partnership, solicitors, Paisley, confirming that proposal.

3. On 29 March 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 19 April 2025. As the present whereabouts of the Respondent are unknown, service was by advertisement on the Tribunal's website between 7 April 2025 and 25 June 2025. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 25 June 2025. Neither Party was present or represented.

Reasons for Decision

5. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
6. The Tribunal decided that in the absence of any confirmation as to whether the sum sought remained outstanding, the application must be dismissed.
7. The Tribunal noted that the sum sought appeared in any event to be incorrect. If the payments made amounted to £6,650 and the sum due was £10,200, the arrears would have been £3,550, not £3,650. Further, the list of payments stated to have been made by the Respondent came to a total of £6,350, not £6,650.

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.

George Clark

Legal Member/Chair

9 July 2025

Date