

Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/24/0567

Re: Flat 0/1, 260 Stevenson Street, Glasgow, G40 2RU ('the Property')

Parties:

Ragbir Ram residing at 1491 Dumbarton Road, Glasgow, G14 9XL ("the Applicant")

Guardian Letting & Sales (The Applicant's Representative')

Andrew Murdoch residing sometime at Flat 0/1, 260 Stevenson Street, Glasgow, G40 2RU, whose current whereabouts unknown ("the Respondent")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Members: Jacqui Taylor (Legal Member)

Background

1. The Applicant submitted an application to the Tribunal dated 5th February 2024 for payment of the sum of £1650 being rent arrears due by the Respondent.
2. Documents lodged with the Tribunal were:-
 - Private Residential Tenancy Agreement between the parties dated 2nd March 2023.
 - A rent statement for the period to 22nd March 2023 to 5th January 2023 to 2nd May 2024 showing arrears of £3000.
 - Copies of Pre action letters sent to the Respondent dated 2nd January 2024, 2nd February 2024 and 2nd March 2024.
3. By Notice of Acceptance by Valerie Bremner, Convener of the Tribunal, dated 16th April 2024 she intimated that she had decided to refer the application (which

application paperwork comprises documents received between 5th February 2024 and 19th March 2024) to a Tribunal.

4.The First Case Management Discussion.

This case called for a conference call Case management Discussion (CMD) at 14.00 on 9th August 2024.

The Applicant's Representative Stewart Girdwood, Director of Guardian Letting & sales attended.

The Respondent did not attend and was not represented. The clerk telephoned the Respondent but he did not answer the call.

The Respondent had been served with a letter advising him of the CMD by Stuart Sinclair, Sheriff Officer on 4th July 2024. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

The Respondent had not provided any written representations.

4.1 Oral Submissions.

Mr Girdwood advised that the current rent arrears amounted to £4350. He sought a continuation of the Case Management Discussion to enable him to amend the application and provide an updated rent statement.

4.2 Outcome of the First Case Management Discussion.

The Tribunal determined that the application should proceed to a continued Case Management Discussion.

5. Amendment to the Application.

The Applicant's Representative sent the Tribunal an email dated 3rd December 2024 which confirmed that he had requested the return of the tenancy deposit in the sum of £450 from the tenancy deposit scheme which would be credited to the unpaid rental balance. The tenancy ended on 17th October 2024 and the outstanding rent arrears at that date was £4800. He sought to amend the sum sought to £4800. A service by advertisement application was attached.

6.The Second Case Management Discussion.

This case called for a conference call Case management Discussion (CMD) at 10.00 on 7th July 2025.

The Applicant's Representative Stewart Girdwood, Director of Guardian Letting & sales attended.

The Respondent did not attend and was not represented.

The Respondent had been served with a letter advising him of the CMD by Advertisement on the Chamber website. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

6.1 Oral Submissions.

Mr Girdwood advised that he sought a payment order in the sum of £4800 being the outstanding rent due by the Respondent as at 17th October 2024, as detailed in the rent statement produced. He did not know the Respondent's current address.

7. Decision

7.1 The Tribunal made the following findings in fact:

7.1.1 The Applicant is Landlord and heritable proprietor of the Property. The Title of the Property is GLA152236.

7.1.2 The Respondent had been Tenant of the Property in terms of the lease between the parties.

7.1.3 The lease was a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

7.1.4 The commencement date of the lease was 2nd March 2023.

7.1.5 The tenancy ended on 17th October 2024.

7.1.6 The rent due in terms of the lease was £450 per month.

7.1.7 The rent arrears due by the Respondent as at 17th October 2024 was £4800

7.2 The Tribunal determined that the Respondent is due to pay the Applicant the sum of £4800 in respect of outstanding rent as at 17th October 2024 and accordingly they issued an Order for Payment in this sum.

8. 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.

J Taylor

Legal Member

7th July 2025