

# 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) Act 2016**

**Chamber Ref: FTS/HPC/CV/25/1982**

**Re: Property at Flat 0/2, 99 Clarence Drive, Glasgow, G12 9RL (“the Property”)**

**Parties:**

**Legesgain Investments Ltd, George House, 36 North Hanover Street, Glasgow, G1 2AD (“the Applicant”) and**

**Mitchells Roberton, Solicitors, George House, 36 North Hanover Street, Glasgow, G1 2AD and**

**Mr Robert McEleney, formerly residing at Flat 0/2, 99 Clarence Drive, Glasgow, G12 9RL, then at 22 Letterfearn Drive, Glasgow, G23 5JL, and whose present whereabouts are unknown (“the Respondent”)**

**Tribunal Member:**

**G McWilliams- Legal Member**

**Decision in absence of the Respondent**

**Background**

1. The Applicant has applied under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy) for an order for payment in respect of rent arrears and other costs.

**Case Management Discussions**

2. A Case Management Discussion (“CMD”) was scheduled to proceed remotely by tele-conference call at 2.00pm on 17<sup>th</sup> October 2025. Sheriff Officers attempted to serve copies of the Application papers, and notification details in respect of the CMD on the Respondent at the

address 22 Letterfearn Drive, Glasgow, G23 5JL but were unsuccessful. The CMD scheduled for 17<sup>th</sup> October 2025 was then postponed.

3. A second CMD was scheduled to take place, also by remote tele-conference call, at 2.00pm on 27<sup>th</sup> January 2026. In advance of that CMD, as the Respondent's whereabouts are unknown, service of the Application by advertisement on the Tribunal's website was carried out between 2<sup>nd</sup> December 2025 and 27<sup>th</sup> January 2026.
4. The Applicant's Representative's Mrs T Forrest attended at the CMD on 27<sup>th</sup> January 2026. Mr McEleney did not attend and was not represented.
5. Mrs Forrest referred to the Application papers and asked the Tribunal to grant the payment order sought, in the sum of £7,089.60, in respect of rent arrears as well as replacement blinds and cleaning costs that were owing following Mr McEleney's departure from the Property on 28<sup>th</sup> February 2025. She stated that neither her office nor the Applicant are aware of Mr McEleney's current address and said that neither have received any communications from Mr McEleney following his termination of the Property.

#### Statement of Reasons for Decision

6. In reaching their decision the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 which provides as follows:

(1) In relation to civil proceedings arising from a private residential tenancy-

(a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),

(b) a sheriff does not have competence or jurisdiction.

(2) For the purposes of subsection (1), civil proceedings are any proceedings other than-

(a) the prosecution of a criminal offence,

(b) any proceedings related to such a prosecution.

7. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent and other costs against a tenant (such as the Respondent) in respect of a Private Residential Tenancy ("PRT").

8. The Tribunal considered all of the Application papers, and the submission of Mrs Forrest. Having done so, the Tribunal found in fact, on a balance of probabilities, and in law that Mr McEleney owes rent arrears, arising from the parties' PRT, in the sum of £7,200.00 and is liable to make payment to the Applicant in respect of replacement blinds and cleaning costs, in the sums of £420.00 and £369.60. The Applicant having been credited with Mr McEleney's original £900.00 tenancy deposit monies, Mr

McEleney is obligated, in terms of the parties' PRT, to pay a balance of £7,089.60 to the Applicant. Mr McEleney has not lodged representations with the Tribunal or attended the CMD on 27<sup>th</sup> January 2026 to provide any evidence, and/or make any submission, to oppose and contradict the order sought by the Applicant, and their basis for seeking the grant of an order. Accordingly, the Tribunal is satisfied that it is reasonable to grant an order for payment by Mr McEleney to the Applicant in the sum of £7,089.60.

9. If Mr McEleney is unclear regarding any of the terms of this Decision and accompanying Order for Payment he should consider seeking independent housing law and money matters advice from his local authority's welfare rights service or his local Citizens Advice Bureau.

#### Decision

10. Therefore, the Tribunal makes an order for payment by the Respondent, Mr Robert McEleney, to the Applicant, Legesgain Investments Ltd, of the sum of **SEVEN THOUSAND AND EIGHTY NINE POUNDS AND SIXTY PENCE (£7,089.60) STERLING.**

#### **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.

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G McWilliams

27<sup>th</sup> January 2026

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Tribunal Legal Member

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Date