



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2016**

**Chamber Ref: FTS/HPC/CV/20/0282**

**Re: Property at Flat 1/2, 1316 Govan Road, Linthouse, Glasgow, G51 4RG (“the  
Property”)**

**Parties:**

**Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Gosforth,  
Newcastle Upon Tyne, Tyne and Wear, NE12 8ET (“the Applicant”)**

**Mr Stephen Little, Ms Louise Galloway, Flat 1/2, 1316 Govan Road, Linthouse,  
Glasgow, G51 4RE (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order be granted for the respondents to pay the  
applicant the sum of five thousand four hundred and twenty four pounds and  
fifty seven pence (£5424.57).**

- 1. This is a case management discussion ‘CMD’ in connection with an application to recover rent arrears for the property in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’, and s16 of the Housing (Scotland) Act 2014, ‘the Act’. There was a second application before the tribunal in terms of rule 65 to recover possession of the property.**
- 2. The tribunal had before it the following copy documents:**

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- (a) Application dated 27 January 2020 and received by the tribunal on 28 January 2020.
- (b) Short assured tenancy agreement between the parties dated 21 July 2016.
- (c) Land certificate.
- (d) Rent statement.
- (e) Letters sent to respondent regarding rental changes dated 14 February 2017, 22 February 2018, and 20 February 2020.
- (f) Letter sent to the tribunal by applicant's agents amending the sum sought.

## **Discussion**

- 3. The respondents did not attend the CMD and were not represented. The applicant was represented by Ms Caldwell of TC Young Solicitors. The tribunal had sight of the sheriff officer's execution of service dated 18 February 2020 and was satisfied that the respondents had received appropriate notification in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.
- 4. Ms Caldwell was seeking an order for the amended sum of £5424.57 in respect of rent arrears. A letter had been sent to the tribunal on 28 February 2020 to amend the sum sought.

## **Findings in fact and law**

- 5. The tribunal made the following findings:
  - (a) Home in Scotland Limited is the owner of the property. The applicant has a lease with the owner for the rental of 60 properties including the property rented by the respondents.
  - (b) The parties entered into a short assured tenancy on 21 July 2016 for let of the property for the initial period of 6 months from 21 July 2016 until 20 January 2017 and month to month thereafter.
  - (c) The agreed rent was £455.98. Changes were made to the rental amount in 2017, 2018 and 2019 in accordance with clause 2.1.5 of the agreement. Rent was reduced in 2017 to £446.13 per month.
  - (d) Rent was increased in 2018 to £483.83 per month.
  - (e) Rent was increased in 2019 to £50453 per month.
  - (f) Rent arrears have accrued and the rent arrears as at 1 January 2020 were £4415.51.
  - (g) Rent arrears as at 28 February 2020 were £5424.57.

## **Reasons**

- 6. This was an undefended application to recover rent arrears. The tribunal was satisfied that it had sufficient information before it to make a decision and the

procedure had been fair. The applicant's agents had timeously amended the sum sought. The tribunal accordingly granted an order for the increased sum of £5424.57.

### **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.**

L. Ward

17 March 2020

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Lesley A Ward Legal Member

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Date