



**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 (“the 2014 Act”) and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/22/1128**

**Re: Property at 23 Drummond Way, Glasgow, G77 6XW (“the Property”)**

**Parties:**

**Ms Lu L Yau and Mr Chung W Wong, 14 Falcon Drive, Newton Mearns, Lanarkshire, G77 6WL (“the Applicants”)**

**1-2-Let (Lettings & Sales) Ltd, c/o 104 Bellgrove Street, Dennistoun, Glasgow, G31 1AA (“the Applicants’ Representative”)**

**Mr Steven Hewitt, 6 Woodfoot Quadrant, Glasgow, G53 7JP (“the Respondent”)**

**Tribunal Members:**

**Ms. Susanne L M Tanner K.C. (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent should pay to the Applicant the sum of ONE THOUSAND AND NINETY EIGHT POUNDS AND ONE PENCE (£1098.01) STERLING; and made an Order for Payment in respect of the said sum.**

## **Procedural background**

1. The Applicants' Representative made an Application to the tribunal on 19 April 2022, in terms of Section 16 of the 2014 Act and Rule 70 of the 2017 Rules, seeking an order for payment against the Respondent in the sum of £2698.01 in respect of rent arrears.
2. The Application documentation submitted by the Applicants' Representative comprised:
  - 2.1. A Short Assured Tenancy agreement dated 28 March 2016;
  - 2.2. Notice to Quit dated 28 March 2016; and
  - 2.3. A rent ledger dated 13 April 2022.
3. On 12 May and 27 June 2022, in response to a request from the tribunal, the Applicants' Representative produced an address for the Applicants and an address for the Respondent.
4. The tribunal's administration obtained the Title Sheet for the Property which shows that the Applicants were registered as proprietors on 16 December 2002.
5. On 27 July 2022, the Application was accepted for determination by the tribunal.
6. By letter of 17 August 2022, parties were notified of the date, time and place of a Case Management Discussion ("CMD") teleconference on 5 October 2022 at 1400h. The Respondent was invited to submit written representations to the Application by 7 September 2022.
7. The Respondent was served with the application paperwork and notification of the CMD by Sheriff Officers on 18 August 2022.
8. No written representations were submitted by the Respondent in advance of the CMD.
9. The CMD was postponed to 8 November 2022 at 1000h.

### **CMD: 8 November 2022, 1000h, teleconference**

10. Ms Brennan from the Applicants' Representative attended.
11. The Respondent did not attend the CMD. The tribunal was satisfied that the requirements of rule 24(1) regarding the giving of notice of a hearing had been duly

complied with and proceeded with the Application upon the representations of the party present and all the material before it, in terms of Rule 29.

12. Ms Brennan stated that she was seeking a payment order for the amended sum of £1098.01. This represents rent arrears to 11 January 2022, which is the date the Respondent vacated the Property without notice, which has been taken as the end of the tenancy for the purposes of rent arrears, less payments made by the Respondent to date and the deposit of £875.00 which was claimed by the Applicants for rent arrears.
13. Ms Brennan referred to the rent statement to 13 April 2022, which showed arrears of £2698.01 as at that date. She stated that since then, the Respondent has made additional payments towards the rent arrears up to an including 1 November 2022, totalling £1600.00, leaving outstanding arrears of £1098.01. Ms Brennan amended the Application to claim the sum of £1098.01 to 8 November 2022.
14. There is no defence to the Application.

### **Findings-in-Fact**

15. The Applicants are the registered proprietors of the Property.
16. In terms of a Short Assured Tenancy agreement between the parties in respect of the Property dated 28 March 2016, the start date of the tenancy was 28 March 2016 and the end date was 29 March 2017, with provision for tacit relocation on a monthly basis thereafter.
17. Rent was payable by the Respondent to the Applicants at the rate of £700.00 per calendar month, on 1<sup>st</sup>. of each month, in advance.
18. The tenancy ended on 11 January 2022.
19. The rent arrears which accrued from 17 July 2017 to 11 January 2022 amounted to £3873.01.
20. The Respondent made payments of £50.00 towards the arrears on 11 January, 1 February, 8 February, 15 February and 22 February 2022.
21. On 3 March 2022, the Respondent's deposit of £875.00 was claimed by the Applicants in respect of the rent arrears and applied to the account, reducing the balance to £2698.01.

22. Since 13 April 2022, the Respondent has made further payments to the Applicants in respect of rent arrears in the sum of £1600.00, leaving an arrears balance of £1098.01 to 8 November 2022.

## **Discussion**

23. As the tribunal was satisfied that the Respondent owes £1098.01 to the Applicants by way of rent arrears for the period from 17 July 2017 to 11 January 2022, the tribunal made an Order for Payment in the sum of £1098.01.

## **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.**

**8 November 2022**

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**Ms. Susanne L M Tanner K.C.  
Legal Member/Chair**