

**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/20/1373

**Re: Property at Flat 0/2, 243 Wellshot Road, Glasgow, G32 7QD (“the
Property”)**

Parties:

**Gosal Property Limited, c/o KPM Residential Limited, 23 Park Circus, Glasgow,
G3 6AP (“the Applicant”)**

**Mr Ian Thomas Conway, Flat 0/2, 243 Wellshot Road, Glasgow, G32 7QD (“the
Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) the Applicant was not in attendance but was represented by Ms Nicola Caldwell of TC Young, Solicitors, Glasgow. The Respondent was neither present nor represented.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

- The Applicant is the heritable proprietor of the Property.
- The Respondent is the tenant of the Property.
- The tenancy is a Private Residential Tenancy Agreement under the Private Housing (Tenancies)(Scotland) Act 2016.
- The Tenancy Agreement was signed on 28 December 2017 (“the Agreement”).
- In terms of the Agreement the rent payable by the Respondent was agreed to be £395 per calendar month payable in advance on the 1st day of each month.
- The Respondent remains in occupation of the Property.

- As at the date of the Application to the Tribunal the rent arrears accrued were £7,845.
- A Direction was issued by the Tribunal on 10 August 2020 asking the Applicant to provide no later than the close of business on 25 August 2020:
 1. Proof of the Landlord registration of the Applicant; and
 2. Clarification of the Rule under which the Application is made.

The Case Management Discussion

Submissions for the Applicant:-

At the CMD the Applicant's Representative stated:-

- That the Respondent is believed to be still in occupation of the Property.
- That it is not known if any other persons live with the Respondent.
- That the rent arrears have increased to £9,425 as at the date of the CMD.
- That the Respondent has made no payment since 4 December 2019.
- That the Application is correctly made under Rule 111 of the Schedule to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 not Rule 70 as stated in the Application and asked that the Tribunal allow the Application to be amended accordingly. Reference is made to the Applicant's representative's email to the Tribunal dated 25 August 2020.
- That proof had been provided of the Applicant's Landlord Registration Number by email dated 9 September 2020.
- That an order for payment is sought in the sum of £7,845.00.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- The Respondent is in arrears of rent in a sum of £7,485.00 as at the date of the Application and £9,425.00 as at 24 September 2020.
- The Respondent has had due intimation of this Application in terms of the Regulations.
- That it is appropriate to allow the Applicant's application to be amended in paragraph 5 by deleting the reference to Rule 70 and by substituting Rule 111.
- An order for payment of the arrears due as at the date of the Application should be granted.

Decision

The Tribunal therefore:-

1. Allows the Application to be amended in paragraph 5 by deleting the reference to Rule 70 and by substituting Rule 111; and
2. Makes an order that the Respondent pay to the Applicant the sum of £7,845.00.

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.

GB

24 September 2020

Legal Member/Chair