



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/19/2330

**Re: Property at Flat 3/3, 6 Cardon Square, Renfrew, Renfrewshire, PA4 8AP
("the Property")**

Parties:

**Mr Makarand Oak, Oak Cottage, 36 Napoleon, Lane, London, SE18 4EF ("the
Applicant")**

**Mr James Duffy, Flat 3/3, 6 Cardon Square, Renfrew, Renfrewshire, PA4 8AP
("the Respondent")**

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an order of payment of £4250.00 be made in favour
of the Applicant.**

1. Background

- 1.1 This is an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") being an application for an order for payment of outstanding rent.
- 1.2 The application was accompanied by copies of the tenancy agreement between the parties and a rent statement. The Applicant's representatives had also made an application dated 23 August 2019 to the Tribunal to increase the sum sought to £4250.00. This had been intimated to the Respondent.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 23 September 2019. The Applicant was represented by Ms Kirsty Morrison of TC Young Solicitors. The Respondent was neither present nor was he represented.
- 2.2 Ms Morrison confirmed that she wished the Case Management Discussion to proceed. The Tribunal noted that notice of the Case Management Discussion had been given to the Respondent in terms of the Rules and proceeded with the Case Management Discussion in terms of Rule 29 of the Rules. The application was heard in conjunction with application reference FTS/HPC/EV/19/2329.
- 2.3 Ms Morrison confirmed that £4250.00 was outstanding in terms of unpaid rent as of the 23 September 2019. The last payment received to the rent account was on 20 May 2019.

3. Reasons For Decision

- 3.1 In terms of Clause 8 of the tenancy agreement between the parties, the monthly rent due by the Respondent was £850.00. The Tribunal proceeded on the basis of the submissions by Ms Morrison on behalf of the Respondent and the papers before it. The Respondent had failed to make payment of the rent despite being contractually obliged to do so. The Tribunal did not believe that a hearing was necessary and that the Applicant was entitled to an order for payment.

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.



Legal Member/Chair

23 SEPTEMBER 2019

Date