

**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 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/18/2487**

**Re: Property at 85 Foresthall Drive, Springburn, Glasgow, G21 4EL (“the  
Property”)**

**Parties:**

**Mr Kwoksing Wong, c/o 10A Princes Terrace, Glasgow, G12 9JP (“the  
Applicant”)**

**Miss Ellen McAneny, Mr Scott Forfar, 85 Foresthall Drive, Springburn,  
Glasgow, G21 4EL (“the Respondents”)**

**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 the respondents shall make payment to the  
applicant of the sum of ten thousand pounds (£10,000).**

This is a case management discussion ‘CMD’ in connection with an application 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’ regarding rent arrears for the property at 85 Foresthall Drive Springburn Glasgow G12 4EL, ‘the property’. The application was made on behalf of the landlord and owner Mr Kwoksing Wong by Miss Annette Hanna of Victoria Letting. The tribunal held a joint CMD in connection with this application and a second application in terms of rule 65 to recover possession of the property.

The tribunal had before it the following copy documents:

1. Application dated 11 September 2018 and received by the Tribunal on 13 September 2018.
2. Lease of the property for the initial period of 30 November 2017 until 30 November 2018.
3. Sheriff Officer's execution of service of both applications on both respondents dated 9 January 2019.
4. Rent statement as at 30 August 2018.

Miss Annette Hanna and Mr Ian Barclay from Victoria Letting Agency Ltd attended the CMD on behalf of the applicant. The respondents did not attend and were not represented. Ms McAneny called the tribunal administration to advise that they were unable to attend due to a family emergency. She was told that the CMD would be likely to proceed in their absence.

### **Case management discussion**

Miss Hanna was seeking an order for rent arrears of £10,000. She made reference to the application which was for £6600 and for "payment of all sums due up to and including vacation date with interest at 8%". The tribunal was unable to consider interest at this stage but was prepared to allow the sum sought to be amended in terms of rule 13 as fair notice of further sums due was included in the application.

Miss Hanna stated and the arrears have increased to £10,000 at the end of December 2018. This was on the basis that in September October November and December rent arrears of £825 accrued totalling £3400. Added to the sum of £6600 the total arrears as at December 2018 were £10,000. She stated that housing benefit of £405.12 was payable from January 2019. In the absence of a calculation to take into account housing benefit paid, the tribunal was not minded to grant any other arrears from December 2019.

### **Findings in fact**

1. The applicant is the owner and landlord of the property.
2. The applicant entered into a short assured tenancy with the respondents for an initial period of 30 November 2017 until 30 November 2018 with rent of £825 per month.
3. Rent arrears have accrued from December 2017 to December 2018 in the sum of £10,000.

## Reasons

This is an undefended application for rent arrears. Papers were served on the respondents on 9 January 2019. They have not made representations regarding the application. They did call the tribunal today to advise that they could not attend but did not ask for the hearing to be postponed. There is nothing in the application before the tribunal to suggest that the respondents have any defence to the application. The tribunal is satisfied that the sum of £10,000 is due to the applicant by the respondents.

## 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

25 January 2019

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Lesley A Ward Legal Member

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Date