



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

Chamber Ref: FTS/HPC/CV/21/0324

Re: Property at Flat 3, Poynter Court, 23 Old Glasgow Road, Glasgow, G71 7HQ (“the Property”)

Parties:

Mr Henry Prempeh, 3 Sunningdale Wynd, Bothwell, South Lanarkshire, G71 8EQ (“the Applicant”)

Miss Jayde Gallagher, Mr Jamie McKinnon, UNKNOWN, UNKNOWN, UNKNOWN; UNKNOWN, UNKNOWN, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are jointly and severally liable to pay the Applicant in the sum of £5250 (FIVE THOUSAND TWO HUNDRED AND FIFTY POUNDS) sterling.

Background

1. This is an application for a payment order, contained within papers lodged with the Tribunal in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”).
2. In the application the Applicant seeks payment of arrears in rental payment of £5250, in relation to the Property, from the Respondent.
3. Along with the application the Applicant provided a copy of the parties’ Private Residential Tenancy Agreement (“PRT”), copy rent statement showing rent payments and non-payments from 31st March 2020 to 30th April 2021, bank

statement of the Applicant showing the last rental payment received on 28th September 2020 and messages exchanged by the Applicant with the Respondent in support of the application.

4. A Case Management Discussion (“CMD”) was scheduled for 4th June 2021 at 10am to take place by teleconference.

The Case Management Discussion

5. The CMD took place at the appointed time. The Applicant was in attendance. There was no attendance by the Respondent. The Tribunal had received confirmation that the papers were served by advertisement and Execution of Service by Advertisement was produced confirming that the application was advertised on the Tribunal’s website over the period 30/04/21-03/06/21. The Tribunal was satisfied that the Respondent had received proper notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29 of the 2017 Rules.

6. The Applicant confirmed that he had entered into a PRT with the Respondent. The tenancy commenced on 18th June 2019. The monthly rent due in terms of the Agreement was £750 per calendar month.

7. The Applicant confirmed that the rent account provided to the Tribunal was correct and that he had received no further sums from the Respondent since 28th September 2020. He stated that the Respondent was continuing on occasion to attend at the Property, although it would appear not residing there.

Findings in Fact

8. Parties entered into a Private Residential Tenancy Agreement commencing on 18th June 2019.

9. The monthly rent due in terms of the tenancy agreement was £750.

10. As at the 30th of April 2021 unpaid rent amounted to £5250.

Reasons for Decision

11. The Tribunal considered the application, the various documents lodged with the Tribunal and the oral representations made at the CMD by the Applicant which it had no reason to disbelieve.

12. The Tribunal was satisfied that the rent account lodged by the Applicant was accurate and that the amount sought was due.

13. The Respondent did not lodge any opposition to the application and did not attend the CMD to oppose the application,

Decision

14. The Tribunal determined to grant an order for payment in the sum of £5250.

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.

Yvonne McKenna

4th June 2021

Legal Member/Chair

Date

Yvonne McKenna