



**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/19/0547**

**Re: Property at 108F Fenwick Drive, Barrhead, Glasgow, G78 2LA (“the  
Property”)**

**Parties:**

**Miss Louise Kernohan, 1/3 11 Northpark Street, Glasgow, G20 7AA (“the  
Applicant”)**

**Mr Matthew James Whiteman, 108F Fenwick Drive, Barrhead, Glasgow, G78  
2LA (“the Respondent”)**

**Tribunal Members:**

**Patricia Pryce (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order against the Respondent for payment in  
the sum of £3,400 (THREE THOUSAND FOUR HUNDRED POUNDS) STERLING.**

- **Background**

The Applicant made an application in terms of Rule 70 seeking a payment order in respect of rent arrears for the property.

- **The Case Management Discussion (CMD)**

The Applicant attended the CMD.

The Respondent did not attend nor was he represented.

The Tribunal considered the terms of Rule 29. Sheriff officers had effected service of the application on the Respondent. The Respondent was therefore aware of the CMD. The Tribunal considered that it was fair and just to proceed with the CMD in the absence of the Respondent.

In addition to the application which was before the Tribunal, the Applicant submitted that the rent due in terms of the tenancy agreement was £425 per calendar month. The Respondent had not made a payment towards rent since on or about September 2018. The Applicant sought payment in the sum of £3,400. The arrears at the time of the CMD amounted to more than £4,000. The Applicant did not seek to amend the sum sought.

The Applicant submitted that she had made various attempts to contact the Respondent but to no avail. She was unsure whether or not he remained in the property.

The Tribunal had not received any representations from the Respondent.

- **Findings in Fact**

1. The parties entered into a tenancy agreement on or about 12 September 2017.
2. The rent due in terms of the tenancy agreement was £425 per calendar month.
3. The Respondent had not made payment of rent since September 2018.
4. The amount of £3,400 was due to the Applicant by the Respondent by way of rent arrears.

- **Reasons for Decision**

The Tribunal considered all of the information before it in terms of the application and the submissions made by the Applicant. The Tribunal determined that the sum of £3,400 was due by the Respondent by way of rent arrears in respect of the property.

- **Decision**

The Tribunal determined to grant the order against the Respondent in favour of the Applicant for payment in the sum of £3,400.

### **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.**

Patricia Anne Prvce

20 June 2019

Legal Member/Chair

Date