



**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 (“2016 Act”)**

**Chamber Ref:** FTS/HPC/CV/21/0589

**Re:** 43 Broomknowes Road, Flat 0/1, Springburn, Glasgow, G21 4YP (“the Property”)

**Parties:**

**Mrs Haiping Cui Opoku Agyeman, 232 Spinney Hill Road, Northampton, NN3 6DR (“the Applicant”)**

**Mr James Sehar, Mrs Margaret Sehar and Mr Christopher James Sehar, all of 43 Broomknowes Road, Flat 0/1, Springburn, Glasgow, G21 4YP (“the Respondents”)**

**Tribunal Members:**

**Pamela Woodman (Legal Member) and Leslie Forrest (Ordinary Member)**

**Present:**

The case management discussion in relation to case reference FTS/HPC/CV/21/0589 took place at 10am on Tuesday 1 June 2021 by teleconference call (“**the CMD**”). The Applicant was not present but was represented by Rosslyn Lithgow of Pacitti Jones Legal Limited (“**the Applicant’s Representative**”). The Respondents were not present nor represented at the CMD. The clerk to the Tribunal was Craig Gemmell. This case was conjoined with case reference FTS/HPC/EV/21/0588 and heard at the same time.

**Decision (in absence of the Respondents)**

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

**Background**

1. The Applicant made an application to the Tribunal under section 71(1) of the 2016 Act and in terms of the First-tier Tribunal for Scotland Housing and Property

Chamber Rules of Procedure 2017 (“**HPC Rules**”) which are set out in the schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended, (“**2017 Regulations**”). More specifically, the application was made in terms of rule 111 (*Application for civil proceedings in relation to a private residential tenancy*) of the HPC Rules.

2. The application was dated 16 March 2021, was submitted by the Applicant’s Representative and was accompanied by various documents, including copies of the following:
  - a. private residential tenancy agreement between the Applicant and the Respondents dated 22 August 2019 (“**Tenancy Agreement**”); and
  - b. rent schedule from 22 August 2019 to 28 February 2021.
3. In response to a request from the Tribunal made by letter dated 26 March 2021, the Applicant’s Representative provided a rent schedule in a more easily readable format, with the information in it updated to 30 March 2021 (“**Updated Rent Schedule**”). At the same time, the Applicant’s Representative provided, amongst other things, an amended section 5(c) of the application form, updating the amount claimed.
4. The order sought was an order for payment in the amount of £2,725, as per the updated application.
5. A notice of acceptance of the application was issued by the Tribunal dated 12 April 2021 under rule 9 of the HPC Rules, which confirmed that the application paperwork had been received by the Tribunal between 16 March 2021 and 31 March 2021.
6. The Tribunal Members had received a copy of the three certificates of intimation issued by David Dempster (sheriff officer) from Davidson Dempster LLP which confirmed that the letters with enclosures from the Tribunal dated 28 April 2021 had respectively been served on each of the three Respondents on 29 April 2021. This letter notified each Respondent of the date and time of the CMD, requested written representations by 19 May 2021 and enclosed a copy of the application.
7. At the commencement of the CMD, the Applicant’s Representative confirmed that, as far as she was aware, the Respondents continued to be in occupation of the Property.
8. The Tribunal was satisfied, on the balance of probabilities, that the Respondents had been provided with proper notification of the CMD and so it could proceed, notwithstanding their absence.
9. The Respondents had been invited to provide written representations by 19 May 2021 but had not done so.
10. The Tribunal noted that the Applicant was the registered proprietor of the Property (title number GLA69565) and the registered landlord of the Property.

11. This decision arises out of the CMD.

### **Proceedings, namely the CMD**

12. The Applicant's Representative confirmed that the Updated Rent Schedule accurately set out the rent charges and payments up to 30 March 2021 and that no payment had been made by the Respondents after 8 January 2021 (as set out in the Updated Rent Schedule).

13. The Applicant's Representative noted that the amount of rent arrears, as at the date of the CMD, was £3,875.

14. The Applicant's Representative confirmed that the sum sought by way of the payment was £2,725.

15. The Tribunal noted that no application had been submitted in advance of the CMD to amend the sum claimed.

### **Findings in fact**

16. The Tenancy Agreement stated that the rent was £575 per calendar month.

17. The Tenancy Agreement provided that Respondents were obliged to pay the rent monthly in advance on or before the 22<sup>nd</sup> of each month.

18. The Tribunal was satisfied, on the balance of probabilities, that there were arrears of rent as at 30 March 2021 of £2,725.

### **Reasons for decision**

19. The Tribunal was satisfied, on the balance of probabilities, that the Respondents had an obligation to make payment of the amount claimed in the application form (namely £2,725 as at 30 March 2021) and had failed to do so.

### **Decision**

20. The Tribunal decided that an order be granted against the Respondents (jointly and severally) for payment of the sum of £2,725 (two thousand seven hundred and twenty five pounds) sterling.

21. The order referred to in the preceding paragraph was intimated orally to the Applicant's Representative during the CMD.

### **Right of Appeal**

**In terms of Section 46 of the Tribunals (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.**

*P S Woodman*

*1 June 2021*

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**Legal Member (chair)**

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**Date**

**Pamela Woodman**