



**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/18/0415**

**Re: Property at Upper Flat 362, Castlemilk Road, Glasgow, G44 5PW (“the  
Property”)**

**Parties:**

**Mr Mark Middleton, Mr Paul Middleton, C/O 114 Union Street, Glasgow, G1 3QQ  
 (“the Applicant”)**

**Mr William McAllister, 1/1 4 Cartbank Grove, Glasgow, G44 3JD (“the  
Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member)**

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

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

- **Background**

The application is an application for civil proceedings in relation to an assured tenancy under the Housing(Scotland) Act 1988 in respect of the Property.

An application has been submitted to the tribunal in relation to the lease of the Property dated 11<sup>th</sup> April 2016. The Respondent has entered into a Guarantee Agreement dated 22<sup>nd</sup> March 2016 undertaking to act as guarantor for the tenant Mr. John Daniels in relation to his obligations as a tenant and to indemnify the Applicant against all losses incurred.

Documents lodged with the Tribunal were

1. The lease dated 11<sup>th</sup> April 2016

2. Rent Statement dated 23<sup>rd</sup> November 2017
3. Extract Decree against the tenant from Glasgow Sheriff Court dated 4<sup>th</sup> October 2017
4. Charge for Payment dated 4<sup>th</sup> October 2017
5. Deed of Guarantee between the Respondent and Applicants dated 22<sup>nd</sup> March 2016
6. Termination Certificate dated 14<sup>th</sup> February 2018
7. Invoice for Cleaning Costs dated 2<sup>nd</sup> December 2017
8. Invoice for Sheriff Officers Fees dated 21<sup>st</sup> November 2017

- The Case Management Discussion

The Tribunal fixed a Case Management Discussion . The Respondent was advised in writing by the Tribunal on 6<sup>th</sup> April 2018 that this Case Management Discussion would take place on the 2<sup>nd</sup> May 2018. He was invited to make any representations by 25<sup>th</sup> April 2018. He made no representations. He was served with the application by Sheriff Officers on 9<sup>th</sup> April 2018. The communication from the Tribunal made it clear that the tribunal can do anything at a Case Management Discussion which it may do at a hearing including making a decision on the application which may involve making an order.

At the Case Management Discussion the Respondent was absent and had made no contact with the Applicants or with the tribunal service. The Applicants were represented by their solicitor Ms. Angela McCracken. The Applicants representative confirmed that no payments had been received from the tenant in respect of the sums claimed and his current whereabouts were unknown.

She invited the tribunal to make an order under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure ) Regulations 2017 today for the sums claimed, £4161.00 ,on the basis that full vouching for that sum had been provided and that it was reasonable to do so.

- Findings in Fact

1. The Applicants and the Respondent entered into a Guarantee Agreement dated 22<sup>nd</sup> March 2016.

2. In terms of Clause 1 of the Guarantee Agreement the Respondent undertook to act as guarantor for Mr. John Daniels in relation to his obligations as a tenant under a tenancy agreement dated 11<sup>th</sup> April 2016 and to indemnify the Applicants against all losses incurred.
3. The sums due by the Respondent to the Applicants amount to £4513.43
4. The sums due are made up of the following
  - Rent arrears of £3761.32
  - Cleaning dues £370
  - Additional costs set out in the tenancy Agreement for remedial cleaning as detailed in clause 8(j) £30 (inclusive of vat)
  - Sums incurred securing recovery of possession of the Property in Glasgow Sheriff Court expenses and accrued interest on court decree £380.93
  - Sheriff Officers costs incurred £456.18
  - The Respondents have applied the deposit paid in the amount of £485 to the sums due leaving the balance due as detailed above.
5. The Applicants being due the sums and the Respondent being responsible for payment the Applicants are entitled to the order sought.

- **Reasons for Decision**

The tribunal proceeded on the basis of the written documents which were before it all as detailed above and further representations made by the Applicants solicitors. There was no evidence before the tribunal challenging or disputing the evidence .

- **Decision**

The order for payment is granted.

## **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.**

Y McKenna

Legal Member/Chair

2/5/18

Date