

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/19/1026

Re: Property at Flat 3-1 1010 Maryhill Road, Maryhill, Glasgow, G20 9TG (“the Property”)

Parties:

Mrs Moyra Statham, 27 Park Avenue, Edinburgh, EH15 1JS (“the Applicant”)

Mr Gerald Thom, Flat 3-1 1010 Maryhill Road, Maryhill, Glasgow, G20 9TG (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £3150.00.

Background

1. By application dated 1 April 2019 the Applicant applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent's tenancy of the property. The applicant provided the Tribunal with a copy of the Tenancy agreement and a copy of the rent statement in support of the Application.
2. By Notice of Acceptance dated 18 April a legal member of the Tribunal with delegated powers accepted the application and a Case Management discussion was assigned.
3. The Case management Discussion assigned for 31 May 2019 and intimated to the parties was postponed at the request of the Applicant's representatives

and a new Case Management Discussion assigned to take place on 27 June 2019. This was intimated to the parties by post.

4. The Applicant's representatives, One Stop Properties intimated an amendment to the application by email dated 7 June. Said amendment increased the sum claimed from £2225.00 to £3150.00. Intimation of the amendment was given by the Tribunal to the Respondent by letter dated 10 June 2019.

The Case Management Discussion

5. The Case Management Discussion was held at Glasgow Tribunals Centre, "0 york Street, Glasgow on 27 June 2019. It was attended by Ms Wendy Gallagher and Mr Stuart Jameson of One Stop Properties, Glasgow, The Applicant's representatives. The Respondent did not attend nor was he represented. After making enquiries the Tribunal was satisfied that the Recorded Delivery letter intimating the Case Management Discussion had been delivered and signed for the Tribunal determined to proceed in the absence of the Respondent in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations").
6. Ms Gallagher confirmed to the Tribunal that the Respondent's arrears of rent had risen from £2225.00 when the application was lodged on 1 April 2019 to £3150.00 at the date of the Case Management Discussion. She explained that she had sent intimation of the amendment to the sum claimed to the Respondent by email on 5 June 2019. She further explained that the Respondent had not communicated with the Applicant's representatives since making the last rent payment of £200.00 on 7 May 2019.
7. Ms Gallagher referred the Tribunal to the Tenancy agreement that showed rent ought to be paid at the rate of £575.00 per month and also to the updated rent schedule that showed that the Respondent was currently in arrears in the amount of £3150.00 and asked the Tribunal to make an order for payment in that amount.

Findings in Fact

8. The parties entered into a Short assured Tenancy Agreement that commenced on 4 April 2017 at a monthly rent of £575.00.
9. As at 4 June 2019 the Respondent owed the Applicant £3150.00 by way of rent arrears in respect of his tenancy of the property.

Reasons for Decision

10. The Tribunal was satisfied from the documents provided in support of the application together with the amendment sought by the Applicant's

representatives that the sum due by the Respondent to the Applicant by way of rent arrears amounted to £3150.00.

11. The Tribunal was satisfied that the Respondent had been given proper notice both of the original application and the Case Management discussion and of the amended sum claimed.
12. The Tribunal noted that despite being given the opportunity to lodge written representations or to attend the Case Management discussion the Respondent had done neither and in all the circumstances was satisfied that the Applicant was entitled to an order for payment of the amended sum sought namely £3150.00.

Decision

13. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £3150.00.

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.

G Harding

Legal Member/Chair

27 June 2019

Date

