

**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 71 of the Private Housing (Tenancies)(Scotland) Act 2016 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended.**

**Chamber Ref: FTS/HPC/CV/18/2738**

**Re: Property at 41 Balfron Drive, Coatbridge, ML5 4FF (“the Property”)**

**Parties:**

**Mr Tuseef Arshad, 415 High Street, Motherwell, ML1 5SP (“the Applicant”)**

**Mr Thomas Gibson, 75 Ardgour Court, Blantyre, Glasgow, G72 0YQ (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order in favour of the Applicant against the Respondent for payment in the sum of £3,799.93 should be made.**

**Background**

1. Reference is made to the Tribunal’s Note on the previous Case Management Discussion which took place on 28 January 2019 in respect of the earlier background and procedure in this case.
2. The previous Case Management Discussion was continued to a further Case Management Discussion on 25 February 2019 at 2pm for further information to be provided by the Applicant in terms of the sums sought from the Respondent.
3. The Applicant was in attendance at the previous Case Management Discussion . The Note on the previous Case Management Discussion was issued to both parties on 29 January 2019 by the Royal Mail “Signed For” service. A further

copy of the Note and notification of the continued Case Management Discussion was also served on the Respondent by Sheriff Officer on 5 February 2019.

4. The Applicant submitted the supporting documentation requested at the previous Case Management Discussion to the Tribunal Administration by email on 23 February 2019. No representations were received from the Respondent in respect of the case.
5. The further Case Management Discussion took place on 25 February 2019 at 2pm. The Applicant was in attendance. The Respondent was not.

### **Case Management Discussion**

6. The Tribunal discussed the background to the case and the previous Case Management Discussion with the Applicant. Reference was made to the further supporting documentation that the Applicant had submitted and the Applicant answered questions from the Tribunal in connection to this. The Tribunal noted that the bank account statement produced covered the relevant period and was the bank account specified in terms of the lease between the parties. The Applicant identified the two payments made into that account by or on behalf of the Respondent in respect of rent and advised that the initial payment of rent had been made in cash at the commencement of the tenancy. The Applicant confirmed that no deposit was taken from the Respondent at the commencement of the tenancy. The Applicant confirmed that none of the other payments into the bank account were from or on behalf of the Respondent and also that (other than the initial rent payment), no other sums were paid to him by other means by or on behalf of the Respondent, either during the tenancy or afterwards. The Applicant confirmed he has had no further payments, nor any contact from the Respondent since the previous Case Management Discussion. Reference was also made to the further supporting documentation produced by the Applicant in respect of the broadband charges and the sum sought by the Applicant for the charges levied by Greenbelt Group Limited. The Tribunal noted that the documentation now produced covered the whole of the relevant period and that the documentation confirmed that the charges levied by Greenbelt Group Limited were in respect of gardening/ground maintenance works in respect of the common parts of the housing development within which the Property is situated.
7. The Applicant confirmed that he was still seeking a payment order in the sum of £3,799.93. He asked if he could also claim interest on the late payment of rent, etc from the Respondent, as well as expenses incurred by him in respect of the Tribunal procedure. The Tribunal advised of the position generally in respect of both matters but, in any event, on being advised that he would require to amend his Tribunal application to include claims for both and that this would then require to be intimated to the Respondent to allow him an opportunity to respond, the Applicant confirmed he would leave matters as they are.

## **Findings in Fact**

8. The Applicant was the landlord and the Respondent the tenant of the Property in terms of a Private Residential Tenancy Agreement dated 11 April 2018.
9. The period of the tenancy was 11 April 2018 until 6 November 2018, when the Respondent vacated.
10. The rent in terms of the tenancy was £930 per calendar month.
11. The Respondent made payments to the Applicant totalling £2,930 in respect of the tenancy. No payments have been made since June 2018.
12. The Respondent incurred rent arrears amounting to £3,460; costs of £258.89 in respect of broadband charges; and £81.04 in respect of charges for gardening/ground maintenance works in respect of the tenancy.
13. The total amount due and resting owing by the Respondent is £3,799.93

## **Reasons for Decision**

14. The Tribunal was satisfied from the information contained in the Application and supporting documentation, together with the oral submissions made by the Applicant at the Case Management Discussion that the sum claimed of £3,799.93 is due by the Respondent in terms of the tenancy and remains outstanding.
15. The Respondent did not submit any representations or contrary information to the Tribunal in respect of the case and did not attend either of the Case Management Discussions.
16. The Tribunal concluded that the case does not require to go to an evidential hearing and that an order for payment in favour of the Applicant could be made at the Case Management Discussion.

## **Decision**

The Tribunal accordingly determines that an order for payment by the Respondent in the sum of £3,799.93 should be made.

## **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.**

N Weir

\_\_\_\_\_  
**Nicola weir, Legal Member**

\_\_\_\_\_  
**Date**

25 February 2019