



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/2443

Re: Property at 75 Whittingehame Court, Glasgow, G12 0BH (“the Property”)

Parties:

Professor Patrick O Dwyer, Ms Cindy Chew, 29 Westbourne Gardens, Glasgow, G12 9PE (“the Applicants”)

Mr Ross Denham, 75 Whittingehame Court, Glasgow, G12 0BH (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment against the Respondent, in relation to rent arrears alleged to be owed by him under a private residential tenancy agreement with the Applicants. It called for a case management discussion (‘CMD’) at 10am on 10 February 2023, by teleconference. The Applicants were represented on the call by Ms McKendrick of Tay Letting Ltd. The Respondent was not on the call and was not represented. The commencement of the CMD was postponed by 10 minutes to allow for any technical difficulty he may have been experiencing, but there remained no contact from him.

The matter had called for a CMD previously on 2 November 2022. The Respondent had also failed to attend that CMD. A direction had been made requiring various additional information from him and specifying that, should he fail to respond to it and/ or fail to attend the CMD to follow, an order may be made against him. Notification of the new date for the CMD was sent to the Respondent by recorded to delivery on 12 December 2022. The Tribunal was satisfied that he was aware of the new date and had chosen not to attend. On that basis it considered it was fair to proceed in his absence.

- Findings in Fact

1. The Respondent occupies the Property in terms of a private residential tenancy with a start date of 20 March 2021.
2. In terms of that agreement, rent of £725 is due to the Applicants on the first day of each month.
3. No rent was paid by the Respondent on 1 March 2022.
4. With the exception of one payment of £500 on 15 September 2022, no rent has been paid since.
5. As at 1 September 2022, the Respondent owed £5,075 in unpaid rent.

- Reasons for Decision

6. The sum sought in this application had been amended to £5,075 prior to the previous CMD. The Applicants' representative confirmed at this CMD that the application remained for an order for that amount. The Tribunal was satisfied that at least that sum remained outstanding and that an order should therefore be made.

- Decision

