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

Order made for payment by the Respondent to the Applicants of the sum of

FIVE THOUSAND AND SEVENTY-FIVE POUNDS STERLING (£5,075).

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.

Since an appeal is only able to be made on a point of law, a party who intends

to appeal the tribunal's decision may wish to request a Statement of Reasons

for the decision to enable them to identify the point of law on which they wish

to appeal. A party may make a request of the First-tier Tribunal for Scotland

(Housing and Property Chamber) to provide written reasons for their decision

within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request,

the 30 day period for receipt of an application for permission to appeal begins

on the date the Statement of Reasons is sent to them.

Legal Member/Chair: Nairn Young

Date: 16/02/2023