



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/21/0535

Re: Property at Flat 3/3, 51 Harcourt Drive, Dennistoun, Glasgow, G31 3HG (“the Property”)

Parties:

Mrs Pamela Bowie, 5 Whitehill Crescent, Lanark, ML11 9HG (“the Applicant”)

Mr Daniel Toal, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £2,044.59 with interest at 4% per annum.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears of £2,044.59.

The Tribunal had regard to the following documents:

1. Application received 8 March 2021;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 23 January 2018;
3. Rent Arrears Statement as at 18 August 2020;
4. Certificate of Service of Tribunal CMD Notification on the Respondent by Advertisement dated 29 June 2021.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 29 June 2021. The Applicant participated and represented herself. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicants had produced a Schedule of Rent Arrears as at the end of the tenancy.

The Applicants sought a payment order in the sum of £2,044.59.

The Tribunal then considered the documentary evidence it had received from the Parties and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 23 January 2018;
2. The monthly rent was £550;
3. As at the date of lodging the application the Respondent was in arrears of rent in the sum of £2,044.59;
4. As at the date of the CMD the Rent Arrears were £2,044.59.

The Tribunal was satisfied that Applicant was due the outstanding rent from the Respondent and granted the order sought.

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.

29 June 2021

Legal Member/Chair

Date