



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/22/1151

Re: Property at Flat 1, 103 Eastwood Avenue, Shawlands, Glasgow, G41 3RT (“the Property”)

Parties:

Dr Wan Hock Cheah, 19 Glenpark Avenue, Glasgow, G46 7JE (“the Applicant”)

Mr Nicolae Gabriel Ostachi, Flat 1, 103 Eastwood Avenue, Shawlands, Glasgow, G41 3RT (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £6,600.

Background

By application, dated 20 April 2022 and received by the Tribunal on 21 April 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £4,600 in respect of arrears to the date of the application, increasing by £100 per week until the date of the Tribunal’s Order for Payment.

The Applicant provided copies of a short agreement between the Parties dated 5 October 2022, in which the Respondent undertook to pay rent at the rate of £100 per week, and a Rent Book which indicated that no rent had been paid since 5 June 2021. The Applicant also provided a copy of a lease between the Parties, drafted by the Applicant at the request of the Respondent, commencing on 20 December 2020 at a rent of £500 per month, but it was unclear as to whether it had been signed. On 2 August 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written

representations by 23 August 2022, The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 15 September 2022. The Applicant was present and was accompanied by his wife. The Respondent was not present or represented. The Applicant confirmed that the Respondent was still living at the Property and that no rent had been paid since the date of the application. The Applicant stated that the arrears presently stood at £6,600. He requested an Order for Payment of that sum.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought, namely £6,600, had become lawfully due by the Respondent to the Applicant.

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.

George Clark

Legal Member/Chair

15 September 2022
Date