



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/1013

Re: Property at 55 Innerwick Drive, Glasgow, G52 2HY (“the Property”)

Parties:

Gauld Properties Ltd, a company incorporated under the Companies Acts and having their registered office at 22 Milnpark Street, Glasgow, G41 1BB (“the Applicants”)

Sharon Deans or McKigen, residing at 31D Teviot Terrace, Johnstone, PA5 0NW (“the Respondent”)

Tribunal Members:

Paul Doyle (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 should be made.

Background

The Applicants ask for an order for payment of rental arrears totalling £803.48. The Applicants lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement and a statement of arrears of rental. A copy title sheet was lodged with the Tribunal which showed that the applicants are the heritable proprietor of the Property.

Case Management Discussion

A Case Management Discussion took place before the Tribunal by telephone conference at 2.00pm on 21 June 2021. The Applicants were represented by their property manager, Ms J Curran. The respondent was neither present nor

represented. Sheriff Officers served notice of the time date and place of this hearing on the respondent on 19 May 2021. I am satisfied that I can justly determine this case in the respondent's absence.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicants and the Respondent entered into a Tenancy Agreement for the Property dated 22 May 2017. The respondent occupied the property between 23 May 2017 and 16 July 2019, when the tenancy ended.
2. The agreed rent in terms of the Tenancy Agreement was £450 per month. Before taking entry, the respondent paid a deposit of £540.
3. The respondent fell into arrears of rental. When the tenancy ended the respondent owed the applicants £1,343.48 in unpaid rental. The applicants applied the tenancy deposit to the unpaid rental, so that the sum outstanding was reduced to £803.48.
4. The applicants have called on the respondent to pay £803.48, but have received neither payment nor response from the respondent. At today's date there are still arrears of rental totalling £803.48.
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 19 May 2021.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £803.48. Rent was lawfully due in terms of clause 5 of the Tenancy Agreement at the rate of £450 per month. By the time the tenancy came to an end, the respondent had allowed the rent to fall into arrears to the extent of £1,343.48. The applicants have applied the tenancy deposit of £540 to the outstanding rental arrears, reducing the sum due by the respondent to the applicants to £803.48, which is the sum applied for. The sum applied for remains due and rests owing to the applicants by the respondent.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle

Legal Member

Date 21 June 2021