



**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**

**Chamber Ref: FTS/HPC/CV/20/0003**

**Re: Property at 13 Crowflats View, Uddingston, Glasgow, G71 5NP (“the  
Property”)**

**Parties:**

**Ms Heidrun Thomsen, 6 Milton Gardens, Uddingston, Glasgow, G71 6EB (“the  
Applicant”)**

**Mr Colin McKechnie, Ms Nicola White, 13 Crowflats View, Uddingston,  
Glasgow, G71 5NP (“the Respondents”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant was entitled to an order for payment by  
the Respondents in the sum of £5750.00.**

**Background**

1. By application dated 18 December 2019 the Applicant’s representatives Leonards Solicitors, Hamilton, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant’s representatives submitted a copy of the Private Residential Tenancy Agreement together with a Tenant rent reconciliation in support of the application.
2. By Notice of Acceptance dated 28 January 2020 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned to take place on 3 April 2020.

3. As a result of the Covid-19 outbreak the Case Management Discussion assigned for 3 April 2020 was adjourned and a further Case Management Discussion assigned to take place by teleconference on 14 July 2020.
4. By email dated 24 June 2020 the Applicant's representatives submitted an application to amend the sum claimed to £5750.00 and also submitted a copy of correspondence sent to the Respondents intimating the amendment in accordance with Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Rules").

### **The Case Management Discussion**

5. A Case Management Discussion was held by teleconference on 14 July 2020. The Applicant was represented by Mrs Turner of the Applicant's representatives. The Respondents did not attend nor were they represented. The Tribunal being satisfied that intimation of the Case Management Discussion had been given to the Respondents determined to proceed in their absence in accordance with Rule 29 of the 2017 Rules.
6. The Tribunal having considered the application for the sum claimed to be amended to £5750.00 and being satisfied that intimation of the amendment had been made to the Respondents in accordance with Rule 14A of the 2017 Rules allowed the sum claimed to be amended to £5750.00.
7. Mrs Turner confirmed to the Tribunal that the parties had entered into a Private Residential Tenancy Agreement that had commenced on 29 November 2018 at a monthly rent of £575.00. She referred the Tribunal to the tenancy agreement submitted with the application and to the Tenant Transaction Report prepared by the Applicant's then letting agents in the sum of £1725 in respect of the rent due for the period from 29 August 2019 to 29 November 2019. Mrs Turner further referred the Tribunal to the additional rent statement submitted with the email of 24 June showing the rent due for the period from 29 November 2019 to 29 June 2020 in the amount of £4025 making a total amount of rent due of £5750.00.
8. According to Mrs Turner the First Respondent, Mr McKechnie, had been in communication with her colleague Mr Watson in October 2019 but there had been no recent communication. She believed the Respondents continued to reside in the property. There was now ten months' rent due.
9. Mrs Turner asked the Tribunal to grant an order for payment in the amended sum of £5750.

### **Findings in Fact**

10. The parties entered into a Private Residential Tenancy Agreement that commenced on 29 November 2018 at a rent of £575.00 per month.
11. The Respondents have accrued rent arrears amounting to £5750.00.

## **Reasons for Decision**

12. The Tribunal was satisfied from the documentary evidence produced and from the oral submissions of the Applicant's representative Mrs Turner that the parties had entered into a Private Residential Tenancy Agreement whereby the Respondents were obliged to make payment of rent of £575.00 each month. The Respondents fell into rent arrears when they failed to pay rent due on 29 August 2019 and they have not paid any rent since that date.
13. The Tribunal was satisfied that there was accrued rent arrears of £5750.00. The Respondents had an opportunity to submit written representations to the Tribunal in advance of the Case Management Discussion but they chose not to do so. The Respondents could have attended the Case Management discussion to challenge the submissions made on behalf of the Applicant but again they did not.
14. In these circumstances, in the absence of any opposition and being satisfied that the rent arrears had accrued as submitted by the Applicant's representative the Tribunal was satisfied that an order for payment in the sum of £5750.00 should be granted.

## **Decision**

15. Having carefully considered the Applicant's representative's oral submissions together with the written submissions and documents finds the Applicant entitled to an order for payment by the Respondents in the sum of £5750.00.

## **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.**

**G. H**

**Graham Harding  
Legal Member/Chair**

**14 July 2020  
Date**