



Decision with Statement of Reasons 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/20/0030

Re: Property at 7/6 220 Wallace Street, Glasgow, G5 8AL (“the Property”)

Parties:

Mrs Yang Zhang, 1 Greystones Easter Moffat, Plains, Airdrie, ML6 8NP (“the Applicant”)

Mr Martin Collins, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment of the sum of two thousand six hundred and twenty five pounds (£2625) to the applicant.**

2. This is a third management discussion ‘CMD’ in connection with an application in terms of 71 of the Private Housing (Tenancies) (Scotland) Act 2016 , ‘the Act’ and rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ to recover rent arrears for the property.

3. The tribunal had before it the following copy documents:
 - (1) Application dated 8 January 2020.
 - (2) Rent statement with rent arrears as at 17 October 2018.
 - (3) Private Residential Tenancy agreement dated 16 February 2018.
 - (4) Copy bank statement.

- (5) Copy text message.
- (6) Email from the applicant's solicitor to the tribunal chamber dated 18 September 2002.
- (7) Land certificate.

4. The CMD proceeded by conference call due to the Covid-19 pandemic. The applicant's solicitor Ms Rachel Thomson attended. The respondent did not attend and was not represented. Service was effected by advertisement and the tribunal had sight of the certificate of service by advertisement. The tribunal was satisfied that the respondent had notice in terms of rule 24 and the tribunal proceeded with the CMD in terms of rule 29.

Discussion

5. Ms Thomson advised that the applicant was seeking an order for the outstanding rent arrears of £2625 as per the rent statement. The applicant was no longer seeking an order in respect of the door which had been raised in the earlier CMD of 29 July 2020, and which had been the subject of a tribunal direction. The tribunal had also sought clarification from Ms Thomson regarding the tenancy and when it had come to an end and whether a deposit had been paid. These matters had been clarified in the email to the tribunal of 18 September 2020. The tribunal was satisfied that the tenancy came to an end in February 2019 and no deposit had been paid.

6. Findings in fact

- The applicant's husband is the owner of the property.
- The applicant entered into a private residential tenancy with the respondent for let of the property on 16 February 2018.
- The agreed monthly rent was £375.
- Rent arrears of £2625 accrued between April 2018 and October 2018.
- The sum of £2625 remains outstanding.

7. Reasons

This was an undefended application to recover rent arrears incurred in a private residential tenancy agreement. The tribunal granted an order for the sum 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.

1 December 2020

Legal Member: Lesley A Ward

Date