



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/20/1514

Re: Property at 0/1, 6 Harrow Place, Glasgow, G15 7DP (“the Property”)

Parties:

Tonero Ltd, 1 Oliver Close, Edinburgh, EH4 4FF (“the Applicant”)

Miss Carolann Gallagher, Mr Gary McMullan, 0/1 6 Harrow Place, Glasgow, Lanarkshire, G15 7DP (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of THREE THOUSAND THREE HUNDRED POUNDS (£3,300.00)

Background

1. By application dated 10th July 2020 the applicant seeks an order for payment in the sum of £3,300 in respect of rent arrears.
2. The Tribunal had before it the following documents
 - Copy tenancy agreement
 - Copy rent statement
 - Email correspondence between the Anthony Etineh and his letting agent

Case Management Discussion (“cmd”)

3. A cmd took place by teleconference on 12th October 2020. The applicant was represented by Anthony Etineh. The respondents were not present or represented. The application had been served on the respondents by Sheriff Officers. The Tribunal was satisfied that the respondents had received

reasonable notice of the cmd and determined to proceed with the cmd in their absence in terms of rule 29.

4. Mr Etineh confirmed that the property is owned by Toner Ltd. He is the sole Director of Toner Ltd.
5. Mr Etineh confirmed that parties entered into a Private Residential Tenancy agreement with a commencement date of 30th January 2018. The rent due in terms of the agreement was £550.
6. Mr Etineh referred to the lodged rent statement. No rent had been paid since December 2019. The outstanding arrears at the date of the application was £3300.
7. Mr Etineh advised the Tribunal that he had sought to reach an agreement with the respondents regarding repayment of the arrears. Ms Gallagher had indicated that she would obtain a loan to repay the arrears however, nothing had been paid. The respondents continue to reside in the tenancy.

Findings in Fact

8. Parties entered into a Private Residential Tenancy agreement with a commencement date of 30th January 2019.
9. The monthly rent due in respect of the tenancy agreement is £550
10. As at 10th July 2020 the outstanding rent arrears figure was £3300.

Reasons for decision

11. The Tribunal took into account the contents of the application, the documents lodged in support of the application and Mr Etineh's submissions at the cmd. The respondents made no appearance and had not lodged any written representations disputing the application. The Tribunal was satisfied that the rent account was genuine, and that the outstanding arrears figure was accurate as at 10th July 2020.

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.

Mary-Claire Kelly

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 Mary-Claire Kelly
Legal Member/Chair

 12th October 2020
Date