



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 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/20/1927

Re: Property at 2/2 2 Littlemill Court, Bowling, Glasgow, G60 5BP (“the Property”)

Parties:

Mr Mark Sullivan, Mrs Lesley Anne Sullivan, 46 Oxford Avenue, Gourrock, Glasgow, PA19 1XU (“the Applicants”)

Mr Noel Crawford, 2/2 2 Littlemill Court, Bowling, Glasgow, G60 5BP (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment of the sum of ONE THOUSAND THREE HUNDRED AND NINETY POUNDS (£1,390) to the Applicants.

Background

On 9th September 2020 the Applicants submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £1,390 in respect of rent arrears.

The date of the case management discussion was intimated to the Respondent who made no written representations.

A case management discussion was held on 3rd November 2020. It was held by audio conferencing because of the current public health emergency.

The case management discussion

There was no appearance by the Respondent and the start of the case management discussion was delayed from 11.30 to 11.35.

Ms Shirley Anne McCulloch appeared on behalf of the Applicants. She said that she worked for Rent Locally, the letting agents instructed by the Applicants.

The purpose of a case management discussion was explained by the Legal Member. Ms McCulloch invited the Tribunal to determine the matter at the case management discussion and not to fix a Hearing. She said that a decree of eviction had been granted but that the Respondent is still residing in the Property. She said that the current level of arrears is £1,690 and that this was the sum she was seeking a decree for. Ms McCulloch said that a current rent statement had not been intimated to the Respondent but that, as he has not been paying the rent which he should have, he would know that the sum of £1,690 is outstanding.

After some discussion, Ms McCulloch intimated that she would restrict the claim to £1,390 which was the sum in the application. She said that the Applicant may make a future application in respect of any further arrears.

Findings in Fact

1. The parties entered into a private residential tenancy agreement in respect of the Property.
2. The private residential tenancy agreement was dated 24th December 2018.
3. The tenancy commenced on 24th December 2018.
4. The monthly rent due under the private residential tenancy was £450.
5. The sum due and unpaid in respect of rent as at 9th September 2020 was £1,390.
6. The Respondent has made no payment in respect of the sum due.

Documents before Tribunal

1. Private residential tenancy agreement dated 24th December 2018.
2. Lease ledger showing payments of rent from 24th December 2018 to 24th September 2020.
3. Sheriff Officer Certificate of Citation dated 2nd October 2020.

Reasons

The Tribunal accepted that the Respondent owed at least £1,390 to the Applicants in respect of rent arrears. The case management discussion had been intimated to the Respondent who had made no written representations or appearance. The Tribunal was satisfied that intimation of the case

management discussion had been made on the Respondent. The Tribunal had no reason to dispute the accuracy of the rent statement showing the sum due to be £1,390 at 9th September 2020 which was the date of the application and it accepted that the Respondent had a contractual obligation to make payment of the rent in terms of the private residential tenancy agreement. It made no finding in respect of the current level of arrears. because it was not asked to and no evidence was produced that intimation of the second rent statement had been made on the Respondents.

The Tribunal saw no reason not to make an order and considered that it was not necessary to continue determination of the application to a Hearing.

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.

Martin McAllister

Martin J. McAllister
Legal Member
3rd November 2020