

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/20/2229

Re: Property at 2/1 23 Melrose Gardens, Glasgow, G20 6RB (“the Property”)

Parties:

Ms Marta Moskal, 8 Glasgow Street, Glasgow, G12 8JG (“the Applicant”)

Mr David Roberts, Oak Cottage, 8 King Street, Canterbury, Kent, CT2 0DA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

The matter called for a Case Management Discussion by conference call at 11:30 am on 10 February 2021. The Applicant was represented on the call by Ms van Doornewaard of Pattison & Co. There was no appearance by or on behalf of the Respondent.

An earlier Case Management Discussion had been adjourned on 18 December 2020 because the Respondent had contacted the Tribunal on the day and advised that he required urgent dental work. The case was continued until today.

The Respondent had also sent the Tribunal an email containing representations about the case. This email was dated 18 December 2020.

The details of today’s Case Management Discussion and information about how to join the conference call had been served on the Respondent on 4 January 2021. The Tribunal

therefore considered it fair to proceed to hear the Application in the absence of the Respondent.

The Case Management Discussion

The Applicant seeks a Payment Order in the sum of £2,238.08. This is said to be on account of the Respondent having accrued rent arrears at the Property in that amount.

Ms van Doornewaard directed the Tribunal's attention to a rent statement that appeared to evidence how this sum had been calculated.

The Tribunal noted that much of the paperwork in the Application related to damage said to have been caused by the Respondent during the tenancy. However, during the discussion, the Tribunal noted that these issues were irrelevant as they had all been addressed by the Applicant successfully applying for the deposit registered with the approved scheme to be returned to them. The sum claimed was purely for rent arrears.

The Tribunal noted the representations made by the Respondent in his email were exclusively focused on these repairing issues and were silent as regards the issue of the rent arrears claimed.

On this basis the Tribunal did not consider that any defence had actually been stated to the substance of the Application.

Findings in Fact

Having heard from Ms Doornewaard and having considered the Application, the Tribunal made the following findings in fact.

- I. The Applicant and the Respondent entered into a Private Residential Tenancy at the Property which commenced on 29 June 2019.
- II. The Applicant was the landlord and the Respondent was the tenant.
- III. The monthly rent due by the Respondent to the Applicant was £1,050.00.
- IV. The Respondent fell into rent arrears.
- V. At today's date the sum of £2,238.08 is lawfully due by the Respondent to the Applicant as rent but remains unpaid.

Reasons for Decision

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order against the Respondent in the sum of £2,238.08.

The Tribunal ordered that interest should run on that sum at the rate of 5 per cent per year from today's date until 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.

Andrew McLaughlin

10thFebruary2021

Legal Member/Chair

Date