



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0335

Re: Property at 15 Bothwell Mews, Bothwell Road, Uddingston, Glasgow, G71 7FJ (“the Property”)

Parties:

Mr Kamran Sattar, 18 Tudor Drive, Kingston upon Thames, Surrey, KT2 5PZ (“the Applicant”)

Mr Steven Hayes, 1C MUIREDGE COURT, UDDINGSTON, GLASGOW, G71 7RB (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order in the sum of Two thousand eight hundred and fifty three pounds and sixty two pence (£2853.62) Sterling against the Respondent

Background

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent in respect of rent arrears and other costs arising from the tenancy agreement between the parties.
- 2 By Notice of Acceptance of Application the Legal Member of the Tribunal, with delegated powers of the Chamber President, determined that there were no grounds to reject the application. A Case Management Discussion was therefore assigned for 9 April 2021. Due to the restrictions imposed by the Covid-19 pandemic it was determined that the Case Management Discussion would take place by teleconference.

- 3 The application paperwork together with notification of the date, time and arrangements for joining the teleconference were served upon the Respondent on 9 March 2021.

Case Management Discussion

- 4 The Case Management Discussion took place on 9 April 2021. The Applicant was represented by Mr Runciman, Gilson Gray LLP. The Respondent was not present. The Legal Member noted that the application paperwork had been served upon the Respondent by Sheriff Officers and therefore that the notification requirements under the First-tier Tribunal (Housing and Property Chamber) Procedural Rules had been complied with. Accordingly the Legal Member determined to proceed in his absence.
- 5 Mr Runciman advised that the tenancy deposit of £1493 had now been returned to the Applicant and had been applied to the outstanding costs in relation to the damages. This included a repair to a radiator which had not been part of the original claim. Accordingly the sum sought by the Applicant was now solely in respect of outstanding rent arrears, being £2853.62. The Applicant sought an order in those terms.

Findings in Fact

- 6 The parties entered into a Tenancy Agreement dated 28 April 2020 and 29 April 2020.
- 7 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £5970 every six months.
- 8 As at the date of the Case Management Discussion rent arrears in the sum of £2853.62 are outstanding.
- 9 The Respondent has refused or delayed in making payment of the rent arrears which are lawfully due under the terms of the Tenancy Agreement between the parties.

Reasons for Decision

- 10 The Tribunal was satisfied that it could make a determination of the application at the Case Management Discussion and that to do so would not be prejudicial to the parties. The Tribunal was satisfied that the Respondent had been given proper notification of the proceedings and had not taken up the opportunity to participate.
- 11 The Tribunal concluded based on its findings in fact that the Respondent was due to make payment of the sum of £2853.62, being rent lawfully due by him

under the terms of the Tenancy Agreement between the parties. On that basis the Tribunal determined to make an order for payment of that sum against the Respondent in favour of the Applicant.

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 R. O'H.

R. O'H.

9 April 2021

Legal Member/Chair _____

Date