



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/21/0385

Re: Property at 11 Whitehill Court, Glasgow, G31 2BA (“the Property”)

Parties:

Mr Anthony Knight, Flat 7/1, The Pinnacle, 160 Bothwell Street, Glasgow, G2 7EA (“the Applicant”)

Miss Jennifer Millar, 11 Whitehill Court, Glasgow, G31 2BA (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £4300.00 be made in favour of the Applicant.

1. Background

1.1 This is an application under Rule 111 of the Chamber Rules whereby the Applicant seeks an order for payment of unpaid rent. The application was accompanied by a copy of the written tenancy agreement between the parties and a rent statement.

1.2 By email dated 18 March 2021, the Applicant sought to amend the sum sought to £4300.00. A rent statement was included with the email.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 14 April 2021. The Applicant was represented by Mr Richard Cowan of Brunswick Residential Letting Ltd. The Respondent was neither present nor represented.

2.2 The Tribunal noted that the application together with notification of the Case Management Discussion had been served on the Respondent by Sheriff

Officer on 16 March 2021. Accordingly, the Tribunal saw fit to proceed in the absence of the Respondent as permitted by Rule 29 of the Rules.

2.3 Mr Cowan confirmed that the application was insisted upon. An order for payment of £4300.00 was sought. The monthly rent charge was £875.00. There had been no payment made by the Respondent since November 2020 when a payment of £75.00 had been made against that month's charge.

2.4 The Tribunal considered that, in the absence of the Respondent, the Tribunal did not consider that a hearing was required and proceeded to determine the application at the Case Management Discussion as in terms of Rule 18 of the Rules.

3. Findings In Fact

3.1 The parties entered into a private residential tenancy agreement which commenced on 16 August 2019.

3.2 Clause 8 of the tenancy agreement required the Respondent to make payment of £875.00 per calendar month, with payments due on 16th day of each month.

3.3 The Respondent had failed to make payment as required by the tenancy agreement and the amount of unpaid rent as of 16 March 2021 was £4300.00.

4. Reasons For Decision

4.1 In making the decision, the Tribunal considered all the documents before it together with the submissions made by the Applicant's representative.

4.2 The written tenancy agreement between the parties imposed a clear liability upon the Respondent to make payment of £875.00 per calendar month in rent. In the absence of any submission on behalf of the Respondent, there was nothing to suggest that the sum contained within the rent statement lodged by the Applicant was not due and owing.

4.3 Accordingly, the Tribunal made an order for 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.

Alastair Houston

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14 April 2021

Legal Member/Chair

Date