



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/21/0980**

**Re: Property at 26 Cathcart Road, Flat 2, Rutherglen, G73 2QZ (“the Property”)**

**Parties:**

**Mr Leigh Dastey, 19 Newtyle Road, Ralston, Paisley, PA1 3JU (“the Applicant”)**

**Mr Graeme Robert Martin, 26 Cathcart Road, Flat 2, Rutherglen, G73 2QZ (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 in the amount of £1594.34 should be made.**

**Background**

The Applicant lodged an application on the 21<sup>st</sup> April 2021 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”), seeking an order for payment of rent arrears.

Lodged with the application were:-

1. The Tenancy Agreement showing a start date of 3<sup>rd</sup> September 2019 and a monthly rent of £525;
2. Copies of emails between the parties;
3. Rent Statement

The Application was accepted by the Tribunal, but the Applicant was sent an email on 5<sup>th</sup> May 2021 asking him to lodge a clearer rent statement as the dates and amounts were confusing.

The papers were served on the Respondent by Sheriff Officer on 18<sup>th</sup> May 2021.

### **Case Management Discussion**

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant attended. There was no attendance by the Respondent or any representative.

The Tribunal explained the purposes of a CMD in terms of Rule 17 of the Rules.

The Applicant emailed a fresh rent statement which correctly showed the dates and amounts due. He confirmed that the respondent no longer lived in the property. He confirmed that he had received a few payments towards the rent, and had also received some funds from an insurance policy covering lost rent. The balance now outstanding was £1594.34

### **Findings in Fact**

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The monthly rent was £525;
3. The Tenancy Agreement had a commencement date of 3<sup>rd</sup> September 2019;
4. The Respondent vacated the property on 5<sup>th</sup> May 2021;
5. The rent arrears amount to £1594.34.

### **Reasons for Decision**

The rent arrears amount to £1594.34

### **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**

J Taylor

# A J Kelly

17 June 2021

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Legal Member/Chair

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Date