

Housing and Property Chamber
First-tier Tribunal for Scotland



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/21/1280

Re: Property at T/R, 912 Springfield Road, Parkhead, Glasgow, G31 4HE (“the Property”)

Parties:

Locheden Limited, care of Fineholm Lettings, 114 Union Street, Glasgow, G1 3QQ (“the Applicant”) per their agents Fineholm Lettings, 114, Union Street, Glasgow, G1 3QQ (“the Applicant’s Agents”)

Mr Anthony Galloway, 8 Braefoot Lane, Uddingston, G71 7PP (“the Respondent”)

Tribunal Members:

Karen Moore (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 sum of ONE THOUSAND SIX HUNDRED AND THIRTY-FIVE POUNDS AND EIGHTY-SIX PENCE (£1,635.86) sterling

Background

1. By application received on 27 May 2021 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent and tenant damage amounting to £1,635.86 due and owing by the Respondent to the Applicant in terms of a guarantee granted by him in respect of a short assured tenancy agreement between the Applicant and Angela Galloway. The Application comprised a copy of the short assured tenancy agreement, a copy of the guarantee between the Parties, a Statement of Account showing rent and vouched for damages £2,135.86 due and owing by the to the Applicant from which sum was deducted a recovered tenancy deposit of £500.00.
2. On 25 June 2021, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 10 August 2021 at 14.00 by telephone conference call. The

Application and CMD was intimated to the Respondent by Sheriff Officer service on 1 July 2021.

Case Management Discussion

3. The CMD took place on 10 August 2021 at 14.00 by telephone. The Applicant did not take part and were represented by Ms. Ellen Hamilton of the Applicant's Agents. The Respondent was not present and not represented. Ms. Hamilton confirmed the Order sought.

Findings of the Tribunal.

4. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There was a short assured tenancy agreement between the Applicant and Angela Galloway.;
 - ii) The Respondent entered into a guarantee with the Applicant to underwrite the liabilities of that short assured tenancy agreement;
 - iii) The liabilities of that short assured tenancy agreement amounted to £1,635.86;
 - iv) The Respondent is liable for payment of £1,635.86 to the Applicant.

Decision of the Tribunal and Reasons for the Decision.

5. Having found the sum sought is due and owing, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" and so proceeded to make 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.

Legal Member/Chair 10 August 2021