



**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/21/1668

Re: Property at Flat 0/2 14 Balcurvie Road, Glasgow, G34 9QJ (“the Property”)

Parties:

Mr Gary Gibson, 20 Osier Close, Portsmouth (“the Applicant”)

Mr Gerard Malone, UNKNOWN, UNKNOWN (“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 £850 should be made.

Background

On 13th July 2021 the Applicant lodged an application under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”), seeking payment of arrears of rent in the amount of £850.

Lodged with the application were:-

1. The Tenancy Agreement showing a start date of 16th August 2011 and rent due of £400 per month;
2. Rent Statement.

The papers could not be served on the Respondent by Sheriff Officer as he was no longer at the address given. They were served by way of advertisement on the Tribunal’s website.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Mr George Reynolds of Smart Moves Estate Agents (Scotland) Ltd. There was no attendance by the Respondent or any representative on his behalf.

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

Mr Reynolds told the Tribunal that as far as he knew the Respondent had left the property on 26th August. He sought to increase the sum sued for to take the additional arrears in to account. Unfortunately he had not been in a position to intimate this on the Respondent due to not having an address for him. The Tribunal could not allow the sum sued for to be increased as it had not been intimated. Mr Reynolds moved for a payment order in the amount of £850 in accordance with the rent statement lodged.

Findings in Fact

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The Tenancy Agreement had a commencement date of 16th August 2011;
3. The rent was £400 per month;
4. The arrears when the application was lodged were £850;
5. The Respondent left the property on 26th August 2021.

Reasons for Decision

The Respondent owes rent arrears to the Applicant, up to 16th June 2021 in the amount of £850.

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.

A Kelly

18th October 2021

Legal Member/Chair

Date