



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section of the 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1908

Re: Property at 83b (3/5) Candleriggs Court, Glasgow, G1 1LF (“the Property”)

Parties:

Nevis Properties Limited, 6th Floor Gordon Chambers, 90 Mitchell Street, Glasgow, G1 3NQ (“the Applicant”)

Ms Pauline Torley, 83b (3/5) Candleriggs Court, Glasgow, G1 1LF (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applicant was entitled to an order for payment by the Respondent in the sum of £2775.00.

Background

1. By application dated 10 August 2021 the Applicant’s representatives Tay Letting Ltd, Glasgow, applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s agents submitted a rent statement, letter of authority to act, landlord registration details, tenant correspondence log and copy emails in support of the application.
2. By notice of Acceptance dated 23 August 2021 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was sent to the Applicant’s representatives by post and served on the Respondent by Sheriff Officers on 2 September 2021.

The Case Management Discussion

4. A CMD was held by teleconference on 5 October 2021. The Applicant was represented by Mr David Gibb of Tay Letting Ltd. The Respondent did not attend and was not represented. As the Tribunal was satisfied that proper intimation of the CMD had been given to the Respondent it determined to proceed in her absence.
5. Mr Gibb referred the Tribunal to the latest rent statement submitted to the Tribunal that showed the rent due still to be £2775.00. he asked the Tribunal to grant an order for payment of that amount together with an additional sum of £75.00 in respect of the charge made by the Applicant's agents for these proceedings. The Tribunal indicated that expenses were not normally awarded in tribunal proceedings. Mr Gibb said that the tenancy agreement made provision for such additional charges. The Tribunal pointed out that the agreement did not appear to be with the papers. After some discussion Mr Gibb agreed to forgo the claim for the additional sum.

Findings in Fact

6. The Respondent is the tenant of the property.
7. The rent for the property is £925.00 per calendar month.
8. The Respondent is due the Applicant rent amounting to £2775.00 as at 8 September 2021.

Reasons for Decision

9. The Tribunal was satisfied from the oral submissions and written documentation that the Respondent had accrued rent arrears and the amount due by the Respondent to the Applicant as at the date of the CMD amounted to £2775.00.
10. The Respondent had not submitted any written representations or attended the CMD to challenge the order sought. The Tribunal was not satisfied that the Applicant was entitled to any additional sum by way of expenses and this was accepted by Mr Gibb on this occasion accordingly the Tribunal was satisfied it had sufficient information before it to make a decision without the need for a hearing.

Decision

11. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £2775.00.

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.

G. H

**Graham Harding
Legal Member/Chair**

**5 October 2021
Date**