



**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/21/2211

**Re: Property at Flat 3/3 30 Gardner Street, Glasgow, Lanarkshire, G11 5NJ
("the Property")**

Parties:

**Mr Iain Malcolm-Brown and Mrs Elizabeth Malcolm-Brown, 67 Keith Street,
Stornoway, Isle of Lewis, HS1 2JH ("the Applicant")**

**Mr Elvis Nweke, Flat 3/3 30 Gardner Street, Glasgow, Lanarkshire, G11 5NJ
("the Respondent")**

Tribunal Members:

George Clark (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the application should be decided without a
Hearing and made an Order for Payment by the Respondent to the Applicant of
the sum of £13,038.30.**

Background

1. By application, dated 13 September 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £11,538.30.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 24 June 2019, at a rent of £750 per month, payable in advance, and a copy Rent Statement showing arrears of £11,538.30 as at 24 August 2021.

3. On 4 October 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 25 October 2021. The Respondent did not make any written representations to the Tribunal.
4. On 21 October 2021, the Applicant sought leave to amend the application to increase the amount sought to £13,038.30. The request was accompanied by an updated Rent Statement showing arrears as at 24 October 2021 of £13,038.30.

Case Management Discussion

5. A Case Management Discussion was held on the morning of 9 November 2021. The Applicant was represented by Miss Kirsty Morrison of TC Young, solicitors, Glasgow. The Respondent was neither present nor represented. Miss Morrison confirmed that no payments of rent had been received since the date of the application and asked the Tribunal to decide the application, as amended to increase the sum sought to £13,038.30, without a Hearing.

Reasons for Decision

6. Regulation 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. The Tribunal was content to allow the amendment sought by the Applicant and was satisfied that the amount sought, as thus amended to £13,038.30, had become lawfully due by the Respondent to the Applicant.
8. The Tribunal's Decision was unanimous.

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.

George Clark

Legal Member/Chair

9 November 2021
Date