



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/22/0339

Re: Property at 2/3 2 Hampden Terrace, Glasgow, G42 9XG (“the Property”)

Parties:

Miss Catherine Laing, 36 Castle Street, Broughty Ferry, Dundee, DD5 2EJ (“the Applicant”)

Mr Craig Urquhart, formerly residing at 2/3 2 Hampden Terrace, Glasgow, G42 9XG and whose current whereabouts are unknown (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of ONE THOUSAND EIGHT HUNDRED AND THIRTY POUNDS (£1,830) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 4 July 2022 by tele-conference. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The application had been served by way of website advertisement between 25 May 2022 and 4 July 2022, in terms of Rule 6A of the Rules. Website advertisement was carried out following Sheriff Officers being unable to serve the application at the Property due to the Respondent having removed himself from the Property and confirming to them via a telephone call that he had no fixed abode at that time. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondent’s absence.
3. The Applicant moved for the order for payment to be granted in the reduced sum of £1,830. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £3,080. The arrears had increased to £3,500 by the time the Respondent had removed from the Property. The Applicant had agreed with the Respondent that if he removed from the Property by the end of February 2022 that she would reduce the level of rent arrears sought. The Respondent did indeed remove from the Property in that timescale and accordingly the Applicant sought the reduced sum of £1,830 to be awarded, which took into account deduction of the deposit paid at the start of the Agreement.

- Findings in Fact

4. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 23 December 2018;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £420 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,500 at the termination of the Agreement;
 - (iv) The parties had agreed a reduced amount of arrears would fall due of £1,830 if the Respondent removed from the Property by the end of February 2022;
 - (v) The Respondent removed from the Property at the end of February 2022.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £420 per month under Clause 8 of the Agreement and had failed to do so. He had accrued arrears amounting to £3,500 at the termination of the Agreement. The parties had agreed a reduced amount of arrears would fall due of £1,830 if the Respondent removed from the Property by the end of February 2022, and the Respondent did indeed remove from the Property in that agreed timescale.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND EIGHT HUNDRED AND THIRTY POUNDS
(£1,830) STERLING

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.

Fiona Watson

Legal Member/Chair

Date: 4 July 2022