

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/22/0699**

**Re: Property at 4 Barony Grove, Cambuslang, Glasgow, South Lanarkshire, G72 7EU (“the Property”)**

**Parties:**

**Mr Subash Panchal and Ms Anita Panchal, 16 Ferriby Road, Cawston, Rugby, Warwickshire, CV22 7XH (“the Applicants”)**

**Mr John Tempany, 4 Barony Grove, Cambuslang, Glasgow, South Lanarkshire, G72 7EU (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and Sandra Brydon (Ordinary 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 SEVEN THOUSAND EIGHT HUNDRED AND FIFTY FOUR POUNDS and FORTY ONE PENCE (£7,854.41) Sterling**

1. By application received between 8 March 2022 and 20 April 2022 (“the Application”), the Applicants applied to the Tribunal for an Order for payment of rent arrears and utility costs arising from a tenancy between the Parties. The Application comprised statements of rent of £5,050.00 due and owing to February 2022, copy utility accounts copy tenancy agreement indicating that the rent is £550.00 per month and copy correspondence from the Applicants’ managing agents to the Respondent. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 14 July 2022 at 10.00 by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondent by Sheriff Officer on 1 June 2022.

**CMD**

2. The CMD took place on 14 July 2022 at 10.00 by telephone. Both Applicants took part and were not represented Applicant's Agents. The Respondent did not take part and was not represented. He did not submit any written representations.
3. The Applicants advised the Tribunal that no rent had been paid since February 2021 and that the rent due now amounted to £7,250.00. They explained that as the Respondent had not paid the utility bills for some time, the utility companies were looking to the Applicants for payment in the sum of £604.41. They explained that there had been no response from the Respondent to the enquiries made by their managing agents and that they had offered a rent payment plan and parts payments to the Respondent but he had not taken up these offers. The Applicants confirmed that the Respondent had paid £650.00 as a tenancy deposit in respect of rent and possible damage to the Property.

### **Findings in Fact**

4. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There is a tenancy of the Property between the Parties at a monthly rent of £550.00.
  - ii) Rent amounting to £7,250.00 to the end of June 2022 is outstanding and due and owing by the Respondent to the Applicant.
  - iii) In terms of Clause 27 of the tenancy agreement between the Parties, the Respondent is liable for the cost electricity and gas.
  - iv) A total of £604.41 is due and unpaid in respect of electricity and gas and this sum now falls to the Applicants to pay;
  - v) The Respondent has been asked to make payment of the sums due but refuses or delays to do so.

### **Decision**

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion .....including making a decision" and so proceeded to make an order for payment in the sum of £7,854.41.

### **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.**

# K Moore

14 July 2022

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Legal Member/Chair

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Date