



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

Chamber Ref: FTS/HPC/CV/22/0777

Re: Property at 27 Woodside Place Lane, Glasgow, G3 7RB (“the Property”)

Parties:

MJL Investments Limited, 3 Fitzroy Place, Glasgow, G3 7RH (“the Applicant”)

Mr Allan Hales, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Jan Todd (Legal Member) and Ahsan Khan (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 £7,821.57 be granted in favour of the Applicant from the Respondent.

Background

1. This was the second case management discussion to consider an application by the Applicant dated 16th March 2022 for an order for payment of rent arrears against the Respondent.
2. The following documents were lodged with the application:-
3. A copy of the Tenancy Agreement dated 12th November 2020 with a commencement date of 14th November 2020
4. E-mails to tenant regarding non-payment of rent
5. Copy notice of increase of rent dated 26th January 2021
6. Rent statement

7. On 4th July 2022 the Applicant’s representative sent a revised rent statement showing the sum of £6,825 outstanding as at 14th June 2022 and asking for their application to be amended to reflect this increase in rent due.

8. The first CMD took place on 7th July 2022 at which Applicant was represented by Mr Neil Livingston and Ms Shona McLennan appeared on behalf of the Applicant's representative Douglas Dickson Property Management Ltd. The Respondent did not attend nor was he represented on the teleconference. The Respondent had been served a copy of the application and papers by sheriff officers on 24th May 2022 together with a note of the date and time of the teleconference and details of how to join. As the Respondent had been given fair notice the Tribunal proceeded in his absence and heard that rent arrears had accrued under a previous lease for which the Applicant successfully sought an order for payment at a previous Tribunal.
9. The Applicants further advised that the Respondent had been given a further lease by entering into a Private Rented Tenancy which started on 14th November 2020 rent payments were erratic and the sum outstanding at 7th July was £6,825 the last payment being made on 1st February 2022 by the Respondent with no further payments made.
10. As the Applicant was seeking an increase in the sum mentioned in the application and the increase required intimation at least 14 days in advance in terms of Rule 14A of the Tribunal's rules and intimated on the other party an adjournment was granted to allow the request for an increase in the sum sought to be made and if necessary a further increase to be requested. The case was adjourned to today to allow that intimation to be made.
11. The Tribunal intimated by recorded delivery post the date and time of the new CMD to the Respondent who received and signed for this intimation on 13th August 2022. The Applicants then lodged an increased rent statement and copy e-mail intimating this to the Respondent which shows a final amount due to 24th August 2022 of £7821.57.

The Case Management Discussion

12. The CMD took place once more by teleconference with the Applicant represented by Ms Shona McLennan of the Applicant's representative Douglas Dickson Property Management Ltd.
13. The legal member made introductions and as the date and time of the CMD had been intimated to the Respondent and the Tribunal has seen the track and trace receipt for this, the Tribunal was content that it was fair to proceed in the Respondent's absence.
14. Ms McLennan explained that the Applicant is seeking the rent due up to the date of the end of the tenancy which she advised is the date of 24th August when they enforced the eviction order. She advised the tenant was not present when they attended but a lot of his possessions were left in the Property. She advised it was one of the worst conditions she has seen and the Applicant is currently claiming the deposit from the tenancy deposit company in respect of the amount of cleaning that has had to be carried out. Ms McLennan confirmed that the Respondent has not engaged or responded as yet to the tenancy deposit claim.
15. The revised rent statement shows a final sum due of £7,821.57 up to 24th August 2022 and Ms McLennan confirmed she sent intimation that the landlord was claiming this sum by letter sent by e-mail to the Respondent on 7th September and also confirmed there has been no response or any

communication about the arrears of rent. She confirmed the landlord is seeking an order for payment of that amount.

Findings in Fact

16. The Applicant and the Respondent have entered into a lease of the Property which is a Private Rented Tenancy since 14th November 2020.
17. The initial rent due in terms of the lease was £735 this was increased to £750 by a rent increase notice that came into effect on 14th May 2021.
18. The Tenancy has come to an end on 24th August after an order for possession was enforced.
19. The Deposit of £615 is in dispute which has not yet been determined by the tenancy deposit company and is therefore not available to reduce the arrears of rent.

Reasons for Decision

20. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £750 after the rent was increased by the Applicant who sent a rent increase notice on 26th January 2021.
21. The Respondent has failed to pay the full rent due. An order for eviction was granted by the Tribunal after a previous case management discussion where the Respondent did not make any representations and this order was enforced on 24th August when the Applicant repossessed the Property and found the tenant had possibly left but there were a lot of possessions remaining.
22. The Respondent was served notice of this application originally by sheriff officer and then sent notice of this CMD by recorded delivery post which he has signed for. He has not made any written representations or attended this CMD. The Applicants provided a revised rent statement confirming rent had increased to £7821.57 to the end of the tenancy and this has been copied to the Respondent so the Tribunal finds that the Applicant has successfully intimated a request to increase the sum due.
23. The Tribunal accepts the written evidence and verbal statements made by the Applicant's representative who the Tribunal found clear and credible in her evidence that the rent outstanding as of 24th August is £7,821,57 and that the deposit is being claimed for other costs. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £7821.57 is granted.

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.

J. Todd

Legal Member/Chair

28th September 2022
Date