



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/22/1029

Re: Property at 1/1 37 Virginia Street, Glasgow, G1 1TS (“the Property”)

Parties:

Mr Brent Hiddleston, Mrs Mary Hiddleston, 11 Dunure Drive, Newton Mearns, Glasgow, G77 5TH (“the Applicant”)

Mr Gavin Thomas, 1/1 37 Virginia Street, Glasgow, G1 1TS (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for £1667.92.

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Present

Patrick Cairns and Catherine Brice, Fineholm Letting Services Ltd, 1st Floor, 114 Union Street, Glasgow, G1 3QQ attended for the Applicant.

The Respondent was not in attendance. A Sheriff Officer service took place on 12th July 2022.

Preliminary Matters

The Applicant’s representatives set out that they had had no recent contact with the Respondent. They sought to reduce the sum sought in the Application dated 7th April 2022 against the Respondent from £1900 to £1667.92. In terms of the overriding

objective and given this was less than the sum sought in the application the Tribunal allowed the sum sought to be amended.

The Applicant's representative set out that the deposit or a sum thereof from same had been applied to the rent arrears sought which had reduced the sum owed by the Respondent. The Respondent had not engaged with that process and the Applicant's representative had made representations with appropriate vouching.

The Hearing

The Applicant's representatives set out that the rent arrears for the property now remained at £1667.92. There had been no payments made to the rent arrears and there had been no contact with the respondent for some time. The tenancy between parties ended in May 2021. The Applicant's representative submitted that the tenancy contractual rent was £750 per month. They referred to the full rent statement lodged and sought a Payment order against the Respondent for the sum of £1667.92.

Findings in Fact

1. The Tribunal determined that it was in the interests of justice, parties and having regard to the overriding objective of the Tribunal for a decision to be made at the CMD in the absence of the Respondent. There was all necessary material before the Tribunal to make a decision and the Respondent had been served.
2. The Applicant sought a Payment Order for £1667.92.
3. The Respondent entered into a Private Residential Tenancy for the property at on 24th March 2021.
4. The monthly rent due in terms of the said Tenancy is £750 per month.
5. The Respondent at the end of the tenancy owes rent arrears to the Applicant of £1667.92.

Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative and considered that it was reasonable and appropriate to grant a Payment Order for £1667.92. The Tribunal had regard to the written evidence lodged in particular the rent statement for the property between the parties and the Private Residential tenancy. The Tribunal therefore granted a Payment Order for the sum of £1667.92.

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.



15th August 2022

Legal Member/Chair

Date