



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/2601**

**Re: Property at Flat 1/2, 77 Strathblane Gardens, Glasgow, G13 1BL (“the Property”)**

**Parties:**

**Places for People Homes Limited, 2 Crescent Office Park, Clarks Way, Bath, BA2 2AF (“the Applicant”)**

**Mr Robert Mason, Flat 1/2, 77 Strathblane Gardens, Glasgow, G13 1BL (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a payment order against the Respondent in the sum of Ten thousand three hundred and ten pounds (£10,310) Sterling**

**Background**

1 By application to the Tribunal dated 27 July 2022 the Applicant sought an order for payment against the Respondent in the sum of £8,345. In support of the application the Applicant provided the following documentation:-

- (i) Private Residential Tenancy Agreement between the parties dated 4 October 2018;
- (ii) Rent Statement; and
- (iii) Copy correspondence between the Applicant’s representative and the Respondent in compliance with the pre-action requirements.

- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for the 8<sup>th</sup> November 2022 to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.
- 3 The Applicant's representative subsequently submitted an updated rent statement on 4 October 2022 confirming that arrears had increased to the sum of £10,310 and requested that the sum be amended to reflect the updated figure. The statement was intimated upon the Respondent.

### **Case Management Discussions**

- 4 The Case Management Discussion took place by teleconference on 8 November 2022. The Applicant was represented by Mr Kenneth Caldwell, Solicitor of Patton and Prentice. The Respondent was not in attendance. The Tribunal noted that he had been served with the application paperwork together with notification of the date and time of the Case Management Discussion and therefore determined to proceed in his absence.
- 5 The Legal Member explained the legal test to be applied in this case. She asked Mr Caldwell to address the Tribunal on the Applicants' position regarding the matter.
- 6 Mr Caldwell advised that the arrears had increased to the sum of £10,965. There had been no payments from the Respondent since October 2021. The Applicant sought an order in the increased sum. The Respondent had failed to engage and there had been no payments forthcoming.

### **Findings in Fact and Law**

- 7 The parties entered into a Private Residential Tenancy Agreement dated 4 October 2018.
- 8 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 9 In terms of Clause 3 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £650 per calendar month.
- 10 As at 31<sup>st</sup> October 2022 arrears in the sum of £10,310 were outstanding.

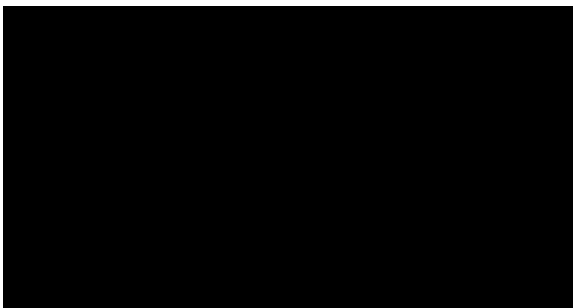
- 11 Despite requests the Respondent has refused or delayed in making payment of the sum owed.
- 12 The Respondent is therefore liable to pay the sum of £10,310 to the Applicant.

### **Reasons for Decision**

- 13 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. There were no substantive facts in dispute therefore the Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no issues to be resolved that required the hearing of evidence. The Respondent had been given the opportunity to participate in the proceedings but had chosen not to do so.
- 14 Based on its findings in fact the Tribunal was satisfied that the Respondent had a contractual obligation to make payment of rent at the rate of £650 per month and had failed to do so. The Tribunal was further satisfied that the request to increase the sum sought to £10,310 had been intimated timeously upon the Respondent. There was nothing before the Tribunal to contradict the position put forward by the Applicant.
- 15 The Tribunal therefore determined to make an order for payment in the sum of £10,310 against the Respondent. The decision of the Tribunal 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.**



**Legal Member/Chair**

8 November 2022

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**Date**