



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/CV/22/2944

Re: Property at 11 Hartfield Crescent, Neilston, Glasgow, G78 3PB (“the Property”)

Parties:

Mr John Hughes, 50 Gleniffer View, Neilston, Glasgow, G78 3EZ (“the Applicant”)

Mr Craig Martin, 11 Hartfield Crescent, Neilston, Glasgow, G78 3PB (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent for £4090

Introduction

This Case Management Discussion (CMD) concerned an Application in relation to Civil Proceedings in connection with a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference.

1. Attendance and Representation

The Applicant was present.

The Respondent was not present and was served by Sheriff Officer on 25th January 2023.

2. Preliminary Matters.

The Respondent was present. The Applicant said the Respondent does not answer his phone or texts and the last contact he had with him was on the 9th December 2022.

There were no other preliminary matters raised.

3. Case Management Discussion.

The Applicant sought that the Tribunal grant an Order for Payment in the sum of £4090. He said that he had struggled to deal with the rent arrears that have accrued under the Private Residential Tenancy with the Respondent. The rent payable is £350 per month and the Respondent had said this was affordable as he had previously left a local authority rent of £500 a month. There have been no payments to arrears and they continue to accrue. The Applicant said the Respondent had not engaged and no payment plans or offers to be received.

1. Findings in Fact

1. This Application is dated 3rd October 2022 and brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicant is the heritable proprietor of the property.
 1. The Applicant and the Respondent entered into a Private Residential Tenancy for the property on 12th March 2021.
 3. This Tenancy is a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016.
 4. Rent payable under this tenancy was £350 per month.
 5. As at the rent statement lodged with the application rent due by the Respondent to the Applicant was £4090.

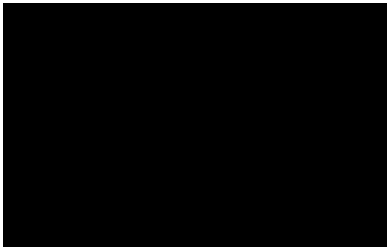
2. Reasons for Decision

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a Private Residential Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make a determination at the CMD. The Respondent had not engaged and had been served appropriately. The Tribunal was satisfied that the Respondent was in arrears of rent lawfully due and an up to date Rent Statement detailing this for the property had been lodged. In terms of Section 71 of

the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £4090 against the Respondent.

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.



3rd March 2023

Legal Member/Chair

Date