



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/22/4106

Re: Property at 104 9/2 Mavisbank Gardens, Glasgow, G51 1HR (“the Property”)

Parties:

Mr Glen Vorlich Ltd, 21 Hinton Ave, Hounslow, TW4 6AP (“the Applicant”)

Mr Chris McLauchlan, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal 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 in favour of the Applicant in the sum of £3,524.30.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 13 February 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 20 February 2023. Letters were issued on 8 March 2023 informing both parties that a CMD had been assigned for 13 April 2023 which was to take place by conference call. The Applicant’s representative advised that the Respondent had left the property address.

4. On 1 May 2023, the Applicant's representative lodged a report from sheriff officers indicating that the Respondent's whereabouts were unknown and he could not be traced.
5. On 14 June 2023, the Tribunal served the application on the Respondent by advertisement on the Housing and Property Chamber website.

The case management discussion

6. The CMD took place by conference call. The Applicant was represented by Mrs Ellen Hamilton. The Respondent did not join the conference call and the discussion proceeded in his absence. The Applicant's representative explained that the Respondent had sub-let the property without permission. He failed to maintain the payments of rent. The Respondent arranged to move a new tenant into the property on 23 January 2023 and told that tenant that he intended to move away. The Respondent failed to make contact with the Applicant in relation to rent arrears and failed to tell the Applicant when he vacated the property. The Applicant apportioned rent due up to 22 January 2023. The total sum due by the Respondent in respect of rent arrears was £3,524.30 and the Applicant's representative moved for an order to be granted against the Respondent for that sum.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 1 August 2022.
8. The contractual rent was £950 per month, payable in advance.
9. The arrears due by the Respondent amount to £3,524.30.

Reasons for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the discussion. There was nothing to indicate that the Respondent disputed the level of rent arrears. The Tribunal was satisfied that the Respondent owes the Applicant £3,524.30 and accordingly an order for payment was granted in that sum.

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.

Nicola Irvine

Legal Member/Chair

10 July 2023

Date