



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 (Act)

Chamber Ref: FTS/HPC/CV/23/0636

Re: Property at 61 Hood Street, Clydebank, G81 2LU (“the Property”)

Parties

**Mr John Houston (Applicant)
Miss Carry Anne Scallan (Respondent)**

Clydebank Estate & Letting Agents (Applicant’s Representative)

Tribunal Members:

Alan Strain (Legal Member) and Mrs Mary Lyden (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 be granted in the sum of £3,675.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 28 February 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 25 January 2021;
3. Rent Arrears Statement as at 25 February 2023;
4. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 13 July 2023;
5. Written Representations from Applicant enclosing updated rent arrears by email of 2 June 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 9 August 2023. The Applicant did not participate but was represented by its Letting Agent. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but she did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicants' Representative confirmed that the amount of arrears as at 2 June 2023 were £3,675. She moved the Tribunal to grant an order in that amended amount.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 25 January 2021;
2. The monthly rent was £475;
3. As at 2 June 2023 the Respondent was in arrears of rent in the sum of £3,675.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought in the amended amount of £3,675.

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.

A Strain

9 August 2023

Legal Member/Chair

Date

