



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/CV/23/0800

Re: Property at 126 Mill Road, Cambuslang, Glasgow, G72 7QZ (“the Property”)

Parties:

Mr David Gourlay, Flat 3/1, 13 Florida Drive, Glasgow, G42 9DN (“the Applicant”)

Mr Daniel Hendren, 126 Mill Road, Cambuslang, Glasgow, G72 7QZ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

**Sum of ONE THOUSAND EIGHT HUNDRED AND FIFTY POUNDS (£1,850)
STERLING**

- Background
- 1. An application dated 14 March 2023 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion took place on 19 July 2023, by conference call. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 4 July 2023. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.
3. The Applicant moved for the order for payment to be granted. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £1,850. Since submitting the application, the level of arrears had increased to £3,850. The monthly rent was £500.
4. It was noted by the Tribunal that there was nothing within the papers showing that there had been formal intimation by the Applicant to the Respondent seeking to amend the application to increase the sum sought at least 14 days prior to the CMD, as required under Rule 14A. Further, the Applicant had sent an email to the Tribunal administration in the few days prior to the CMD, seeking to claim interest and expenses, neither of which were sought in the application itself. Again, the Tribunal noted that the requirement of Rule 14A had not been met to allow such an amendment. The applicant was given the option of either seeking an order at the CMD in the original sum sought of £1,850, or seeking to continue the matter for a period of time to enable formal intimation of the amendment to the application in terms of Rule 14A. The applicant chose the former.

- Findings in Fact

5. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 14 February 2019;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £500 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1,850 at the date of the application.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to an order in the sum of £1,850, as per the application raised. The Respondent was obliged to make payment of rent in the sum of £500 per month under Clause 8 of the Agreement and had failed to do so. He had accrued arrears amounting to £1,850 at the date of the application being raised and which fell lawfully due to be repaid to the Applicant.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of ONE THOUSAND EIGHT HUNDRED AND FIFTY POUNDS (£1,850)
STERLING

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.

**Fiona Watson
Legal Member/Chair**

Date: 19 July 2023