



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/23/1080

Re: Property at 12 Coyle Drive, Gartcosh, G69 8FF (“the Property”)

Parties:

Mrs Adeola Adeleke, 15 Glugston Court, Kirkintilloch (“the Applicant”)

Mr Adam Mills, 12 Coyle Drive, Gartcosh, G69 8FF (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal 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 should be granted in favour of the Applicant in the sum of £13,050.

Background

1. By application received between 4th and 5th April 2023 and made purportedly under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £10,150 in respect of unpaid rent. The Applicant lodged a document purporting to be a short assured tenancy agreement between the parties, which commenced on 18th July 2022, and a rent statement.
2. By email dated 1st June 2023, the Applicant’s representative lodged an application to amend the sum sought to £13,050, enclosing an updated rent statement.
3. Notification of the application and the forthcoming Case Management Discussion upon the Respondent was carried out by Sheriff Officers on 2nd June 2023.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 6th July 2023. Neither party was in attendance. The Applicant was represented by Ms Lorraine Brennen, Office Manager, and Mr Aqib Raza, Accounts Assistant, both of 1-2-Let (Letting & Sales) Ltd.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Ms Brennan confirmed that the application should be amended from Rule 70 to Rule 111.
7. Ms Brennan said the arrears were now £14,500. The Respondent has paid no rent other than the first month’s rent. There was some discussion over whether to continue to another CMD to allow a further application to amend the sum sought, however, Ms Brennan moved the Tribunal to grant an order in the sum of £13,050.
8. The Tribunal agreed to amend the sum sought to £13,050.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy that commenced on 18th July 2022, with rent due in the sum of £1,450 per month.
 - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £13,050.

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.

Helen Forbes

Legal Member/Chair

6th July 2023
Date