



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/23/1429

Re: Property at Flat 8/2 175 Finnieston Street, Glasgow, G3 8HD (“the Property”)

Parties:

Mr David Findlay, Mrs Elizabeth Findlay, 3 Kings Point, Shandon, Helensburgh, G84 8BT (“the Applicant”)

Miss Brooke Hamilton, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Elizabeth Williams (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 £7,700.

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 3 May 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 28 August 2020;
5. Rent Statement as at 28 March 2023;
6. Email exchanges with tenant and inspection reports from the Letting Agents dated from 7 February 2022 to 23 February 2023;
8. Updated rent statement as at 28 July 2023 along with application to amend;
9. Certificate of Service of CMD Notification by Advertisement.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 25 August 2023. The Applicants did not participate and were represented by their Solicitor. 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 had increased to £7,700 as at 28 July 2023 and sought the sum claimed to be increased to that amount.

The Tribunal then considered the documentary and oral evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 28 August 2020;
2. The monthly rent was £1,100;
3. As at the date of the Hearing the Respondent was in arrears of rent in the sum of £7,700;
4. The Respondent does not appear to be living in the Property and hasn't lived there for some time;
5. The Respondent's current whereabouts are unknown.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicants were due the outstanding rent from the Respondent and granted the order sought in the amended amount of £7,700.

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.


Alan Strain

25 August 2023

Legal Member/Chair

Date

