



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/23/1446

Re: Property at G/F, 12 Sandbank Avenue, Maryhill, Glasgow, G20 0DB (“the Property”)

Parties:

Mr Zhong Chen, M422 Longdian Garden, Da Cheng Street, Na Gang District, Harbin, 150001, China (“the Applicant”)

Lynsay Sinclair, Flat GE, 109 Wester Common Road, Glasgow, G22 5NH (“the Respondent”)

Tribunal Members:

Karen Kirk (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 Respondents for £5883.21

This was a Case Management Discussion to consider the application dated 4th May 2023 brought before the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended for civil proceedings in respect of a Private Residential Tenancy under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The discussion took place by teleconference.

1. Attendance and Representation.

The Applicant was not present but was represented by Mr Rapheal Barr, DJ Alexander, John Cotton Centre, 10 Sunnyside, Edinburgh, EH7 5RA

The Respondent was not present. The Respondent had been served by sheriff Officer on 29th June 2023. No written representations

2. Preliminary Matters

The Applicant's representative said that there had been no contact with the Respondent. An Eviction Order was granted on the property. There has been no real engagement with the Respondent and she vacated the property on the 3rd July 2023.

There were no other preliminary matters discussed.

3. Case Management Discussion

No payments made since September last month £5883.21 Nothing finalised there will be a claim for £340 clean and the remaining £210 rent and arrears

The Applicant's representative told the Tribunal the Applicant sought a payment order of £5883.21 against the Respondent. The Applicant's representative said that there had been grant of an Eviction order on the property on the basis of rent arrears. The Respondent had vacated the property in July 2023. Deductions from the deposit were arranged and are still in the process of being resolved with the Respondent and the approved deposit provider.

An up to date rent statement dated 28th July 2023 had been lodged showing the rent lawfully due by the Respondent to the Applicant at the date she left was lodged and rent due by the Respondent is £5883.21. The Applicant sought an order for this amount.

4. Findings in Fact

- 1. The Tribunal was satisfied that a decision could be made in the absence of the Respondent at the Hearing and to do so would be in the interests of the parties, in the interests of justice and having regard to the Overriding objective. The Respondent had been served on 29th June 2023.**
- 2. The Applicant and the Respondent entered into a Private Residential Tenancy on 10th July 2020. A copy of same was lodged.**
- 3. Monthly contractual rent in terms of the Tenancy was £550.**
- 4. The Applicant has title to pursue civil proceedings in regards the tenancy between parties. The Tribunal had sight of the Applicant's landlord registration and title deeds for the property.**
- 5. A rent statement dated 28th July 2023 and lodged showed final rent arrears of £5883.21 due to the end of the tenancy in July 2023.**
- 6. The tenancy ended in July 2023 and the deposit arbitration is still ongoing.**
- 7. The Respondent is liable for the rent arrears due in terms of the tenancy.**

- 8. The Respondent owes to the Applicants in terms of the said tenancy rent arrears due at the sum of £5883.21.**
- 9. Accordingly in terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £5883.21 against the Respondent.**

5. Reasons for Decision

The Tribunal was satisfied that the Applicant was the heritable proprietors of the Property. The Tribunal was satisfied that there was a Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make a determination at the CMD. The Tribunal was satisfied that the respondent were in arrears of rent lawfully due of £5883.21 having regard to the lodged up to date rent statement dated 28th July 2023. The Applicants had deducted the deposit monies as appropriate to the rent arrears and the Respondent had left the tenancy in July 2023, following grant of an Eviction Order. Accordingly in terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £5883.21 against the Respondent.

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.

K. Kirk

4th of August 2023

Legal Member/Chair _____

Date