



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

Chamber Ref: FTS/HPC/CV/23/1466

Re: Property at 56 Marmion Place, Glasgow, G67 4AP (“the Property”)

Parties:

Mr Stephen Nulty, 15 St Francis Rigg, Glasgow, G5 0UR (“the Applicant”)

Ms Kristin McCulloch, 56 Marmion Place, Glasgow, G67 4AP (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £3106.03.

Background

1. By application Dated 5 June 2023 the Applicant’s representatives Dial A Home, Letting Agents, Glasgow, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a rent account and bank statement in support of the application.
2. Following further correspondence between the Tribunal administration and the Applicant’s representatives a legal member of the Tribunal with delegated powers by Notice of Acceptance accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 23 August 2023.

The Case Management Discussion

4. A CMD was held by teleconference on 28 September 2023. The Applicant did not attend but was represented by Ms Sara Louise Faulds from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
5. Ms Faulds advised the Tribunal that the Respondent had been evicted from the property on 19 July 2023 and had owed rent of £4956.03 at that time. She confirmed that despite making enquiries of the Applicant's previous letting agent she had been unable to obtain a copy of the tenancy agreement. She went on to say that since the Respondent had been evicted, she had been making payments of £400.00 per month towards the arrears of rent. Ms Faulds also advised the Tribunal that the Respondent's deposit of £650.00 had been paid to the Applicant by the Tenancy Deposit Scheme administrators. As a result, the balance now due by the Respondent to the Applicant amounted to £3106.03. Ms Faulds asked the Tribunal to grant an order for payment in that amount and indicated that the Applicant would be prepared to continue to accept the Respondent paying the debt at the rate of £400.00 per month but wished the additional security of having an order in place should the Respondent fail to continue to make payment.

Findings in Fact

6. The parties entered into a Private Residential Tenancy that commenced on 1 October 2018 at a rent of £650.00 per calendar month.
7. At the date of raising the application the Respondent owed rent of £3900.00.
8. The Respondent was evicted from the property on 19 July 2023. At that time she owed rent of £4956.03.
9. The Respondent owes rent of £3106.03 at the date of the CMD.

Reasons for Decision

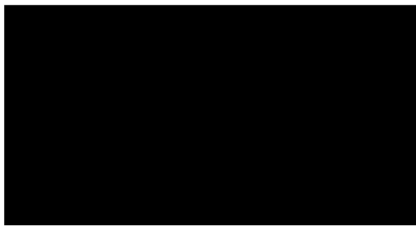
10. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was due rent of £3106.03 after account had been taken of the payments made by the Respondent and her deposit had been credited to the Applicant.
11. The Tribunal also took account of the fact that the Respondent had not submitted any written representations to the Tribunal in advance of the CMD nor had she participated at the CMD despite having had the opportunity to do so.

Decision

12. The Tribunal being satisfied that it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £3106. 03

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.



Legal Member/Chair

28 September 2023
Date