



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/23/1532

Re: Property at 15 Faskin Place, Glasgow, G53 7BZ (“the Property”)

Parties:

Ms Nadine Danesh, 14 Burnbrae Avenue, Bearsden, Glasgow, G61 3ER (“the Applicant”)

Ms Ellen Elliot, 15 Faskin Place, Crookston, G53 7BZ (“the Respondent”)

Tribunal Members:

Alastair Houston (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 of £3760.00 be made in favour of the Applicant.

1. Background

- 1.1 This is an application under Rule 111 of the Chamber rules whereby the Applicant sought payment of rent arrears from the Respondent. The application was accompanied by, amongst other things, a copy of the written tenancy agreement between the parties and a rent statement detailing payments received over the course of the tenancy.
- 1.2 A previous Case Management Discussion had taken place on 27 July 2023. On that date, an email from the Applicant’s representative was received with an up to date rent statement attached and an amended application seeking payment of £3235.00.
- 1.3 The Tribunal had adjourned the Case Management Discussion to allow for the amended sum sought to be intimated to the Respondent. The

Applicant's representative had been reminded of the terms of rule 14A of the Chamber Rules whereby 14 days notice required to be given of any amendment to the sum claimed.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 14 September 2023 by teleconference. The Applicant was represented by Mrs Jacqueline McLelland of Castle Residential, letting agents. The Respondent was neither present nor represented. No representations had been received from her.

2.2 Mrs McLelland confirmed that the application was insisted upon and that she wished to proceed in the Respondent's absence. The Tribunal noted that intimation of the Case Management Discussion had been made to the Respondent. Accordingly, in the absence of any explanation as to his absence, the Tribunal deemed it appropriate to proceed as permitted by Rule 29 of the Chamber Rules.

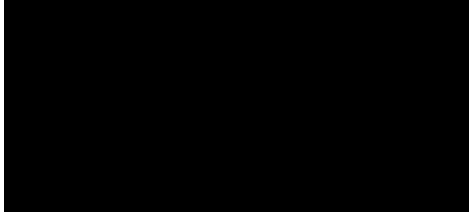
2.3 Mrs McLelland advised that an email attaching an amended application and up to date rent statement had been sent to the Tribunal on 31 August 2023. It had been intimated by email to the Respondent on the same date. The Tribunal had not appeared to have received this however, Mrs McLelland forwarded copies of these emails during the Case Management Discussion. The sum sought was now £3760.00. The Tribunal was content to allow amendment of the sum given that the Applicant had apparently complied with the terms of rule 14A. That sum comprised of unpaid rent due under the tenancy agreement between the parties.

3. Reasons For Decision

3.1 The tenancy agreement between the parties required the Respondents make payment of rent of £525.00 per month. The rent statement lodged by the Applicant detailed the sums which had gone unpaid. In the absence of any reason as to why the sums sought would not be lawfully due, the Tribunal made an order for payment in favour of the Applicant.

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

14 September 2023

Date