



**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/23/1993**

**Re: Property at 38 Muirhead Way, Glasgow, G64 1YG (“the Property”)**

**Parties:**

**Mr Stuart Hill, Mrs Fiona Hill, 16 Teviot Avenue, Glasgow, G64 3LZ (“the Applicant”)**

**Mr Joe Ross, Ms Amber Landsburgh, 38 Muirhead Way, Glasgow, G64 1YG (“the Respondent”)**

**Tribunal Members:**

**Jan Todd (Legal Member) and Mary Lyden (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 of the sum of £5,430 be made in favour of the Applicants from the Respondents.**

1. This was a case management discussion in respect of an application by the Applicant for an order for payment of rent arrears from the Respondent. This was the first calling of the case before a Tribunal.
2. The following documents were lodged with the application:-
  - A copy of the Tenancy Agreement dated with a commencement date of 26<sup>th</sup> April 2022
  - Rent statement showing sum due on 15<sup>th</sup> June 2023 of £5,430.

**The CMD**

3. The CMD proceeded today by way of teleconference. The Convener made introductions, and explained how the CMD would be conducted over the teleconference. The Applicant was represented by Ms Jennifer McMillan of

Pacitti Jones letting agent and Mr Hill the first named applicant was also in attendance.

4. The Respondents did not attend nor were they represented on the teleconference. The Respondent had been served a copy of the application and papers by sheriff officers on 3<sup>rd</sup> August 2023 together with a note of the date and time of the teleconference and details of how to join. The Respondents have been given fair notice and the Tribunal therefore felt it was appropriate and fair to continue in their absence.
5. Ms McMillan spoke on behalf of the Applicant and advised that they were seeking an order for payment of rent arrears from the Respondents who are the tenants in the Property. She explained that the Respondents are due to pay £895 per month in rent and the last payment was made on 15<sup>th</sup> February 2023, when arrears had already accrued and with no further payments made since then. She advised that the rent arrears when the application was submitted were £5430 and now stood at £7220 with nothing paid since February 2023.
6. Ms McMillan advised there has been no recent contact and although the tenants had asked for repairs they have now not responded to the agent or contractors and no access has been granted. A conjoined action for eviction was also being sought under application reference EV/23/1319
7. Mr Hill confirmed what his representative had said, adding that this was his only let property which had been the Applicants first house when they moved to Scotland in 2020. He was now very concerned about the state of the Property and advised that he had reports that the tenants may not be there as they had not been seen for some time. He clarified that a £60 charge on the rent statement in January was in fact for a call out for a plumber and not rent but that it was money due by the tenants.
8. After a short break to discuss the application and whether or not the Applicant wished to ask for an adjournment to seek an amendment to the sum sought Ms McMillan confirmed the Applicant was happy to seek only an order for the sum sought of £5430 as he did not wish to have a further delay.

## **Facts**

1. The Applicants and the Respondents entered into a lease of the Property which commenced on 26<sup>th</sup> April 2022.
  2. The Respondents are still in control of the Property and the tenancy is continuing.
  3. The Rent due is £895 payable in advance in terms of the lease.
  4. The Rent amount claimed is £5430.
  5. The current rent contractually due and not paid is £7,220.
  6. The last payment made was on 15<sup>th</sup> February 2023 for £895.
  7. The Respondent has failed to communicate or respond to the Applicant regarding the rent arrears and has made no response to this application.
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1. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £895 per month in rent.
  2. The Respondent has failed to pay the full rent due. The Respondent had indicated they may wish to enter into a payment plan in March this year but

has made no payment towards the rent or arrears since February 2023 when the last payment of rent was made and has not responded to calls from the letting agent. The tenant has not been in contact and has made no offer to pay.

3. The Respondent was served notice of this application by sheriff officer on 3<sup>rd</sup> August 2023 and has not made any written representations or attended this CMD. The Applicants provided a rent statement confirming the rent due is £5,430 this is the sum sought and although further rent payment have been incurred the Applicant is content to ask for an order for only this sum today. The Applicant acknowledges that £60 in the rent statement is actually a sum due for reimbursement of the cost of a plumbers bill but as further rent is due the Tribunal accepts that rent in the sum of at least £5,430 is due and owing and this is the sum intimated to the Respondents.
4. The Tribunal accepts the written evidence and verbal statements made by the Applicant and his agent who the Tribunal found clear and credible in their evidence that the rent currently outstanding is £7,220. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for the sum intimated in the application today namely £5,430. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £5,430 is granted.

### **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.**



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**Legal Member/Chair**

5<sup>th</sup> September 2023

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**Date**

