



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/EV/23/1999

Re: Property at Flat 3/1, 438 Tollcross Road, Glasgow, G31 4XU (“the Property”)

Parties:

Mrs Shona Robertson, 36 Dumbrock Road, Strathblane, Glasgow, G63 9DQ (“the Applicant”)

Mr John McDermott, Flat 3/1, 438 Tollcross Road, Glasgow, G31 4XU (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and John Blackwood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,159.28 with interest on that sum at the rate of 8 per cent per year from today’s date until payment.

Background

[1] The Applicant seeks a Payment Order in the sum of £2,159.28 for arrears of rent said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 8 September 2023. The Applicant was represented by Ms Matthew of Bannatyne Kirkwood France & Co. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the CMD had been served on the Respondent by sheriff officers. Accordingly, the Tribunal decided to proceed in the absence of the Respondents. Having heard from Ms Matthew and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy;*
- II. *The contractual monthly rent was £450.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *The Respondent's arrears of rent continue to increase. The sum claimed in the Application of £2,159.28; is resting owed as arrears of rent by the Respondent to the Applicant but remains unpaid;*
- V. *The Respondent has not engaged with the Tribunal process;*

Reasons for Decision

[3] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,159.28 with interest on that sum at the rate of 8 per cent per year from today's date until payment.

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.

A McLaughlin

Legal Member/Chair

8 September 2023

Date