

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/1510

Re: Property at 1 Alder Crescent, East Kilbride, G75 9HW (“the Property”)

Parties:

**Dr AJ Fowder, Mearnswood Manor, Mearns Road, Newton Mearns, G77 6RS
 (“the Applicant”)**

Mr John Graham Scobie, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. By lease dated 7 August 2013 the Applicant let the property to the Respondent;
2. The rent payable was £475 per calendar month. It appears that the rent has never been increased throughout the duration of the lease;
3. The Respondent fell into arrears of rent from January 2020 and had not made payment of rent since; The Respondent vacated the premises during October 2021. The Respondent abandoned the premises thereby bringing the tenancy to an end;

4. The Applicant presented an Application to the Tribunal seeking an Order for payment of rent arrears. At the time of the application the arrears amounted to £8,075.00. After sundry procedure the case called for a Case Management Discussion on 28 February 2022 at 10am. Prior to that calling the Applicant had intimated to the Tribunal and the Opponent that the arrears had increased and were not less than £9,500.00;

THE CASE MANAGEMENT DISCUSSION

5. The Applicant was represented at the Case Management Discussion by Miss J Simpson of 1st Lets (Glasgow) Limited. The Respondent did not participate in the Case Management Discussion. The Tribunal was previously unable to serve the proceedings upon the Respondent by Sheriff Officers. The Tribunal subsequently advertised the proceedings on the Tribunal website. The Tribunal was in receipt of a Certificate of Advertisement confirming that the Respondent had been given lawful notice of the proceedings. In the circumstances the Tribunal was satisfied, in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of said Rules;
6. Miss Simpson advised the Tribunal that the Respondent had vacated premises by way of abandonment. That was during October 2021. The arrears at that point were not less than £9,500.00. Indeed, they were higher than that, but for the sake of practicality, the Applicant was willing to restrict his claim to the figure of £9,500.00 which had previously been intimated to the Tribunal and to the Respondent;
7. The Tribunal allowed amendment of the amount claimed and, thereafter, in the absence of any representations by or on behalf of the Respondent, granted an Order for payment in the sum of £9,500.00;

FINDINGS IN FACT

8. The Tribunal found the following facts to be established:-
 - a) By lease dated 7 August 2013 the Applicant let the property to the Respondent;
 - b) The rent payable was £475 per calendar month;
 - c) The Respondent fell into arrears of rent from January 2020 and had not made payment of rent since; The Respondent vacated the premises during October 2021 bringing the tenancy to an end;
 - d) As at the date of termination of the tenancy and as at the date of the Case Management Discussion on 28 February 2022 the arrears of rent were not less than £9,500.00;
 - e) The sum of £9,500.00 is due, resting and owing by the Respondent to the Applicant.

DECISION

The Tribunal grants an order for payment of the sum of NINE THOUSAND FIVE HUNDRED POUNDS (£9,500.00) STERLING by the Respondent to 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.

Virgil Crawford

28 February 2022

Legal Member/Chair

Date