

Decision with Statement of Reasons the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/22/1705

Re: Property at 48 Trinidad Way, East Kilbride, Glasgow, G75 8PF (“the Property”)

Parties:

Mrs Beauty Bhowmik, 10 Cartside Place, Busby, Clarkston, Glasgow, G76 8QN (“the Applicant”) per her agents, Boyd Jackson, solicitors, Glasgow (“the Applicant’s Agents”)

Mr Aaron Blake, 78 Pembroke, East Kilbride, G74 3QB (“the Respondent”)

Tribunal Member:

Karen Moore (Legal Member)

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Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of TWO THOUSAND SIX HUNDRED AND SIXTY SIX POUNDS AND THIRTEEN PENCE (£2,666.13) Sterling together with interest at the rate of FOUR per centum per annum (4%) be granted.

1. By application received between 6 and 27 June 2022 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of rent arrears from a tenancy between the Parties. The Application comprised statements of rent of £1,900.00 due and owing to 20 May 2022 and copy tenancy agreement. The Application also sought interest at the rate of 4% per annum. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 29 November 2022 at 11.30 am by telephone conference. The CMD was intimated to the Parties.

CMD

2. The CMD took place on 29 November 2022 at 11.30am by telephone. The Applicant did not take part and was represented by Mr. McKeown of the Applicant's Agents. The Respondent took part and was not represented. Mr. McKeown advised the Tribunal that the sum sought had increased as the Respondent had remained in the Property until 19 August 2022 and so was liable for rent until that date. However, the Applicant had not intimated an amendment to the Application and wished an opportunity to do so.
3. The Respondent accepted that he had remained in the Property until 19 August 2022, having been advised by the local authority housing service to do so. He explained that he is a student and has no employment and income. He accepted that rent is due to the Applicant.
4. The CMD was adjourned for the sum sought to be amended and for the Respondent to make an arrangement to pay.

Adjourned CMD

5. The adjourned CMD took place on 29 November 2022 at 10.00 am by telephone. The Applicant was present and was represented by Mr. McKeown of the Applicant's Agents. The Respondent did not take part and was not represented. He did not submit written representations. The Tribunal was satisfied that the Respondent is aware of the proceedings and the amended sum and so proceeded in his absence.
6. Prior to the adjourned CMD, Mr. McKeown amended the sum sought to £2,666.13 and intimated that to the Respondent. Mr. McKeown advised the Tribunal that the no payment had been made and the sum sought remained at £2,666.13.

Findings in Fact

7. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a tenancy of the Property between the Parties which ended on or around 19 August 2022;
 - ii) Rent amounting to £2,666.13 is due and owing the Applicant by the Respondent to that date;
 - iii) The tenancy agreement provides for interest at 4% per annum.

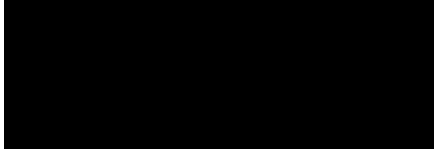
Decision and Reasons for Decision

8. Having found that no sums are due by the Respondent to the Applicant, the Tribunal having regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision", granted the order as sought.

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.



10 March 2023

Legal Member/Chair

Date