



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/22/1150

**Re: Property at 2/1 26 Lochburn Gate, Maryhill, Glasgow G20 0SN (“the
Property”)**

Parties:

**David Duckworth, 25 Sherwood Road, Prestwick, Ayr, KA9 1EX (“the
Applicant”), represented by 1-2-Let Letting and Sales Limited, 104 Bellgrove
Street, Glasgow G31 1AA**

**James Gunn and Karen Govan, sometime 2/1 26 Lochburn Gate Maryhill,
Glasgow G20 0SN whose present whereabouts are unknown (“the
Respondents”)**

Tribunal Members:

George Clark (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a
Hearing and made an Order for Payment by the Respondents to the Applicant
of the sum of £4,074.13.**

By application, received by the Tribunal on 22 April 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicant.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 18 December 2020 at a rent of £650 per month and a Rent Statement showing arrears as at 22 April 2022 of £1,720.

On 29 August 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 19 September 2022. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held on the morning of 12 October 2022. Neither Party attended or was represented. The Tribunal proceeded to dismiss the application, as it could not be satisfied as to whether the sum sought was still due by the Respondents to the Applicant or whether a lesser sum might be due. The Tribunal recognised that, should either of the Parties have an acceptable excuse for having failed to attend the Case Management Discussion, an application for Review of the Tribunal's Decision could be made.

Following an application for Review by the Applicant's representatives, the Tribunal decided on 7 November 2022 to continue consideration of the application to a further Case Management Discussion, the date of which was intimated to the Parties. Intimation to the Respondents was by advertisement on the Tribunal's website from 19 November 2022 to 6 February 2023, as they have vacated the Property and their present whereabouts are unknown.

On 19 December 2022, the Applicant's representatives provided the Tribunal with an updated Rent Statement showing arrears of £4,074.13. They wished to amend the application to increase to that sum the amount sought.

The continued Case Management Discussion was held on the morning of 6 February 2023. The Applicant was represented by Ms Lorraine Brennan of 1-2-Let Letting and Sales Limited. The Respondents were not present or represented.

Ms Brennan confirmed to the Tribunal that the Respondents had been notified by email of the request to increase the sum sought and that it remained unpaid.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision.

The Tribunal was satisfied that the sum sought, as amended, was lawfully due by the Respondents 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.

George Clark

Legal Member/Chair

6 February 2023
Date