



**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/20/2234**

**Re: Property at 176 Montford Avenue, Glasgow, G44 4NY (“the Property”)**

**Parties:**

**Mr David Oswald, Tigh Mo, Stirling, FK8 3HU (“the Applicant”)**

**Miss Sophie McRobie, 176 Montford Avenue, Glasgow, G44 4NY (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

**Decision (in absence of the Respondent)**

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall pay to the applicant the sum of seven hundred and ten pounds (£710).**
2. This was a case management discussion ‘CMD’ in connection with an application in terms of s 71 of the Private Housing (Tenancies)(Scotland) Act 2016 ‘the Act’ and rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ to recover rent arrears.
3. The CMD proceeded by conference call due to the Covid-19 pandemic. The applicant’s representative Ms Lauren Steel attended. The respondent did not attend and was not represented. The tribunal had sight of the execution of service by the Sheriff Officers confirming that they had served the papers on the respondent on 25 November 2020. The tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the hearing in terms of rule 29.

4. The tribunal had before it the following copy documents:

- (1) Application dated 23 October 2020.
- (2) Rent statement.
- (3) Private Residential Tenancy Agreement 'PRT' dated 12 September 2019.
- (4) Land certificate.
- (5) Rent notes for Sophie McRobie from 13 November 2019 until 21 October 2020.
- (6) Amended application dated 6 November 2020.

## **Discussion**

5. The tribunal was aware that the respondent had contacted the tribunal chamber by telephone on 12 December 2020 and stated that the sum sought was wrong as she had made a payment of £600 towards the arrears. Ms Steel acknowledged that that was the case and she sought to amend the sum she was seeking to £710.
6. The tribunal sought to reconcile the rent statement with the rent notes that accompany it. The notes refer to the respondent seeking an abatement of rent. Ms Steel stated that to her knowledge the respondent has never made a written request for an abatement. She was however given a small reduction in rent around February 2020 due to work being carried out to the property. A further reduction in May and June 2020 was due to the personal circumstances of the respondent rather than due to the condition of the property.

## **7. Findings in fact**

- (1) The applicant is the owner of the property.
- (2) The parties entered into a PRT in September 2019 for let of the property.
- (3) The agreed rent was £525 per month.
- (4) Arrears began to accrue in November 2019.
- (5) The arrears as at the 6 January 2021 were £710.

## **8. Reasons**

This is an undefended application to recover rent arrears arising out of a PRT. The tribunal allowed the sum sought to be amended to the lower sum of £710 in accordance with the overriding objective. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal accordingly made an order for the sum of £710.

## **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.**

**6 January 2021**

**Lesley A Ward Legal Member**

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**Date**