



**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/22/3830**

**Re: Property at 0/2 14 Dunphail Drive, Glasgow, Lanarkshire, G34 0DA (“the Property”)**

**Parties:**

**C.S.R. Properties Limited, 24 Buttercup Crescent, Ferniegair, Hamilton, ML3 7ZG (“the Applicant”)**

**Ms Irene McCluskey Nee-aka Carruthers, Mr John McCluskey, UNKNOWN, UNKNOWN (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £3,144.20.**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. A case management discussion (“CMD”) was assigned for 31 January 2023. Reference is made to the Note issued following that CMD.
3. On 6 March 2023, the Tribunal served the application on the Respondents by advertisement on the Housing and Property Chamber website.

## **Case Management Discussion**

4. The CMD took place by conference call. The Applicant was represented by Ms McKeon. The Respondents did not join the conference call and the discussion proceeded in their absence. The Applicant's representative explained that on 10 August 2021, the Respondents entered into a repayment arrangement in respect of rent arrears, agreeing to pay £150 towards the rent arrears. The Respondents did not adhere to that arrangement. She received an email from the Respondents on 19 October 2022 advising her that the Respondents had vacated the property. The Respondents did not give 28 days' notice as required in terms of the tenancy agreement. Notwithstanding that, the Applicant only charged rent until 26 October 2022. After the Respondents vacated the property, they paid £10 per week towards rent arrears, but the last payment made was on 24 February 2023. An updated rent statement was lodged, which shows that the rent arrears due by the Respondents amount to £3,144.20. The Applicant's representative moved for an order to be granted in that sum.

## **Findings in fact**

5. The parties entered into a private residential tenancy which commenced 19 August 2019.
6. The Respondents were obliged to pay rent at the rate of £520 per month, in advance.
7. The Respondents vacated the property on October 2022.
8. The Respondents owe the Applicant arrears of rent of £3,144.20, which sum remains unpaid.

## **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged in support of the application and the submissions made at the CMD. The Applicant lodged a rent statement which demonstrated that the Respondents had been in arrears of rent since April 2020. There was nothing to indicate that the Respondents disputed the accuracy of the rent statement. In terms of clause 23 of the tenancy agreement, the Respondents required to give at least 28 days' notice to terminate the tenancy. The Respondents failed to give 28 days' notice and the Applicant was entitled to charge rent for 28 days from the date that she received notification from the Respondents that they wished to terminate the tenancy. However, the Applicant restricted the rent charge to 26 October 2022. The Respondents failed to lodge written submissions and failed to participate in the CMD. The Tribunal was satisfied that the Respondents owe the Applicant the sum claimed.

## 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.

Nicola Irvine

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Legal Member/Chair

11 April 2023  
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Date