



**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 for Civil Proceedings in relation to a short assured tenancy under the
Housing (Scotland) Act 1988**

Chamber Ref: FTS/HPC/CV/20/1399

Re: Property at Flat 1/3, 966 Tollcross Road, Glasgow, G32 8UP (“the Property”)

Parties:

Aaron Lettings, 12 Callendar Park View, Falkirk, FK1 1SX (“the Applicant”)

Mr Marc Connolly, Mr Marc Devlin, Flat 1/3, 966 Tollcross Road, Glasgow, G32 8UP; Flat 1/3, 966 Tollcross Road, Glasgow, G32 8UP (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 16 of the Housing (Scotland) Act 2014 for civil proceedings in relation to a short assured tenancy under the Housing (Scotland) Act. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant was represented by Mrs Khalid Wali, LKW Solicitors, 414 Cathcart Road, Glasgow, G42 7BZ.

The Respondent did not attend the Tribunal.

Preliminary Matters

- The Respondent was not in attendance but a Sheriff Officer Service Certificate was noted to have served the Respondent on 3rd August 2020.

- By email of 14th August 2020 the Applicant's representative had confirmed her attendance at the hearing but also indicated that the sum due had increased from £7700 to £8800. No application had been made in terms of Rule 14A to amend the sum sought so no intimation took place on the Respondent. The Applicant's representative confirmed she did not wish to seek to amend and sought £7700 plus interest.
- There were no other preliminary matters other than the hearing took place by teleconference due to the Covid-19 pandemic.

Matters Raised

The Applicant's representative confirmed that a payment order for the amount of £7700 plus interest as noted in the Application was sought. The Applicant's representative gave full details and made submissions regarding this. It was noted the Respondent is not engaging despite efforts by the Applicant and they are not sure if he is still in the property. The Tenancy agreement lodged confirmed the contractual monthly amount due was £550. Full and detailed rent statements had been lodged. The Respondent last made payment towards the rent in January 2020. No further payments have been received. In terms of interest sought the Applicant in terms of the rules sought interest at 8%. In discussion with the legal member given the current financial climate and bank borrowing rate it was agreed that interest at 4% was appropriate. There were no other matters arising.

Decision (in the absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted a payment order against the Respondent for the sum of £7700, with Interest thereon at the rate of 4% per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 21st August 2020, until payment.

Reasons for Decision and Findings in Fact

- 1. The Tribunal was satisfied that the Respondent had been notified of the Application, Service had taken place by Sheriff Officer on 3rd August 2020.**
- 2. Rule 17 of the Procedure Rules provides that a Tribunal can do anything at a CMD which it may do at a Hearing, including making a decision. The Tribunal was satisfied that the Tribunal had everything before it that it would require in order to make a decision having regard to the Overriding Objective.**
- 3. The tenancy commenced on 11th March 2016 and had been lodged.**
- 4. The contractual month amount due for rent was £550.**
- 5. The Respondent was liable to the Applicant in terms of the said tenancy for outstanding rent to the Applicant to the sum of £7700 as at the date of the Application.**

6. The tribunal was satisfied that the Respondents on the evidence before it owed rent to the amount of £7700 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.

K. Kirk

Legal Member/Chair

21/08/2020

Date