

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/2507**

**Re: Property at Flat 5, 87 Wilton Street, Glasgow, G20 6RD (“the Property”)**

**Parties:**

**Ian Baxter Discretionary Trust, c/o Wright Johnston and Mackenzie, 302 St Vincent Street, Glasgow, G2 5RZ (“the Applicant”)**

**Mr Stephen Abel, Flat 5, 87 Wilton Street, Glasgow, G20 6RD (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £1,050.**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £1,050. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at Flat 5, 87 Wilton Street, Glasgow. The Tribunal intimated the application to the parties by letter of 16<sup>th</sup> September 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 7<sup>th</sup> October 2019. No written representations were received by the Tribunal.

### **The Case Management Discussion**

The Applicant was represented by Miss Elaine Goodwin, solicitor. The case management discussion proceeded in the absence of the Respondent. The Applicant's solicitor advised the Tribunal that there have been no payments from the Respondent in respect of rent since June 2019. The Applicant's solicitor sought an order for payment in the sum of £1,050.

### **Findings in Fact**

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 18<sup>th</sup> September 2013.
2. The rent payable was £150 per month, payable in advance.
3. The Respondent has accrued rent arrears of £1,050 as at July 2019.
4. The Applicant is entitled to the Order sought for payment in the sum of £1,050 in respect of rent arrears.

### **Reason for Decision**

The Applicant has produced documentation which shows that the rent arrears amounted to £1,050 at the time the present application was presented. The Respondent failed to lodge written representations and failed to attend today's case management discussion. The Tribunal therefore proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

### **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**

Legal Member/Chair

**23<sup>rd</sup> October 2019**

Date