



**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/23/0423**

**Re: Property at 197 Kinfauns Drive Flat 1/1, Glasgow, G15 7TZ (“the Property”)**

**Parties:**

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

**Ms Yvonne McGillivray, Flat 0/1, 43 Ledmore Drive, Glasgow, G15 7AB (“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 favour of the Applicant in the sum of £1,925.**

**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 Respondent.
2. By decision dated 27 February 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 28 February 2023. Letters were issued on 30 March 2023 informing both parties that a CMD had been assigned for 9 May 2023 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they required to take part in the discussion 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 20 April 2023. The Tribunal did not receive any written representations on behalf of the Respondent.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant was represented by Ms Catherine McKeon. The Respondent did not join the conference call and the discussion proceeded in her absence. The Tribunal noted that the application was served on the Respondent at a different address. The Applicant's representative moved to amend the Respondent's address and the Tribunal granted that motion.
5. The Applicant's representative explained that the Applicant recovered possession of the property on 12 January 2022. The Respondent made contact with the Applicant's representative by email in December 2021, advising that she intended to pay rent arrears at the rate of £300 per month. At the time the Respondent vacated the property, she had incurred rent arrears of £2,450. The Applicant recovered the Respondent's deposit of £525 from an approved scheme and that sum had been applied to rent arrears, thus reducing the rent arrears outstanding to £1,925. The Respondent failed to make payment of the rent arrears. The Applicant's representative relied upon the rent statement lodged in support of the application and sought an order for payment in the sum of £1,925.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 24 August 2019.
7. The contractual monthly rent was £525, payable in advance.
8. The Respondent incurred rent arrears of £1,925.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to participate in the discussion and did not lodge any written submissions. The rent statement lodged set out rent due, rent paid and a running total of rent arrears. There was nothing to indicate that the Respondent disputed the level of rent arrears shown on the rent statement. The Applicant had received the Respondent's deposit of £525 and therefore the sum due in relation to rent arrears was reduced to £1,925. The Tribunal was satisfied that sum is due to the Applicant in respect of rent arrears.

## 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

\_\_\_\_\_  
Date 9 May 2023