

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/0202

**Re: Property at 64b Station Road, Milngavie, Glasgow, G62 8BX ("the
Property")**

Parties:

Mr Gary Forsyth, 55 Kersland Street, Glasgow, G12 8BS ("the Applicant")

**Mr John McArthur, 64b Station Road, Milngavie, Glasgow, G62 8BX ("the
Respondent")**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that**

- Background

This is an application for an order for payment of the sum of £2,329.64 regarding rent allegedly unpaid by the Respondent in relation to his lease of the Property. It called for a Case Management Discussion ('CMD') at 2pm on 5 November 2018 at the Glasgow Tribunal Centre. The Applicant was present in person and represented by Ms Wall of DHW Legal, Solicitors. The Respondent was not present or represented and had made no written representations.

- Findings in Fact

The following facts are found to be established, being unchallenged by the Respondent:

1. The Property was let by the Applicant to the Respondent in terms of a short assured tenancy from 1 August 2016 to 28 February 2017, inclusive ('the first tenancy'). The rent agreed was £575 per calendar month.
2. The Property was further let by the Applicant to the Respondent in terms of a second short assured tenancy from 1 March 2017 to 31 October 2017, inclusive ('the second tenancy'). The rent agreed was £575 per calendar month. The Respondent has remained in possession of the Property since the termination of the second tenancy, in terms of statutory assured tenancy.
3. The Respondent paid the following amounts on the dates indicated under the first tenancy:

6 September 2016:	£575
21 October 2016:	£595
3 November 2016:	£423.84
8 November 2016:	£65.58
16 November 2016:	£65
25 November 2016:	£423.84
8 December 2016:	£150
21 December 2016:	£423.84
10 January 2017:	£150
26 January 2017:	£423.84
30 January 2017:	£147
23 February 2017:	£423.84
7 March 2017:	£158

During the period of the first tenancy the Respondent was due to pay £4,025 in rent. He actually paid £4,024.78.

4. The Respondent paid the following amounts on the dates indicated under the second tenancy:

27 March 2017:	£423.84
7 April 2017:	£151.16
24 April 2017:	£423.84
26 April 2017:	£152
5 May 2017:	£151.20
30 May 2017:	£423.84
27 June 2017:	£423.84
21 July 2017:	£152
27 July 2017:	£423.84
29 August 2017:	£423.84
29 September 2017:	£423.84
26 October 2017:	£423.84

The Applicant claims for all rent unpaid until the end of January 2018, when the application was submitted. By that point, the Respondent should have paid £6,325. He had actually paid £3,997.08. Across the two tenancies, the Respondent thus owes the Applicant £2,328.14.

5. The Applicant requested orally at the CMD that an amendment be allowed to increase the sum requested to £7,504.60, to include further arrears alleged to have accrued since January 2018. This application was refused, on the grounds that would be contrary to rule 13 and 14 of the Tribunal Rules of Procedure to allow it.

- Reasons for Decision

As the Respondent owes the Applicant the sum of £2,328.14 in unpaid rent for the period to the end of January 2018, an order for payment should be made in the latter's favour for that amount.

- Decision

Order for payment by the Respondent to the Applicant of the sum of £2,328.14 (TWO THOUSAND THREE HUNDRED AND TWENTY-EIGHT POUNDS AND FOURTEEN PENCE STERLING).

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.

N Young

Legal Member/Chair

5 NOVEMBER 2018

Date