

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 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/18/1574

Re: Property at 0/2 170 Whitehill Street, Dennistoun, Glasgow, G31 2LU (“the Property”)

Parties:

Mr John Connor, 10 Gardenside Grove, Carmyle, Glasgow, G32 8EZ (“the Applicant”)

Mr George Eweka, 0/2 170 Whitehill Street, Dennistoun, Glasgow, G31 2LU (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member) and David Fotheringham (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in favour of the Respondent in the sum of Three Thousand and Twenty Six Pounds and Forty Pence (£,3026.40) Sterling.

This Application called before the Tribunal as a Hearing on 2 November 2018. At this Hearing the Applicant was present and represented by Mr Collier. The Respondent was neither present nor represented. Having considered the question of service the Tribunal was satisfied that proper intimation had been made upon the Respondent and directed that the Hearing should proceed in his absence.

By way of background the Tribunal noted that this Application related to a tenancy agreement entered into between the parties on 21 February 2018. The terms of this lease had required that the Respondent pay a Deposit of £400 and that rent was due in the sum of £475 per month.

In support of his Application the Applicant submitted a bank statement showing payments received from the Applicant in the period from 19 February 2018 until 15 October 2018. This bank statement showed that two payments of rent has been made in agreed sum and that the only other sums paid in respect of the property had been in the sums of £1 and £10.

The Tribunal found in fact the following:

- A tenancy agreement had been entered into between the parties dated 21 February 2018
- The agreed rental payment in respect of the property was in the sum of £475 per month payable in advance on the 21st of each month
- The agreed deposit due in respect of the property was in the sum of £400
- The Respondent initially paid a sum in respect of rent in the sum of £475 on 20 February 2018. A payment of £1 was made on 19 February 2018. A further rental payment in the sum of £475 was made on 21 March 2018. Finally a payment in the sum of £10 was made by the Respondent on 27 July 2018
- The Respondent owed the sum of £3987.40 in respect of rent for the period between 21 February 2018 and 2 November 2018.
- The sum of £961 had been paid by the Respondent during this period leaving a balance due to the Applicant in the sum of £3026.40

The Tribunal accordingly made an Order against the Respondent in favour of the Applicant for payment in the sum of £3026.40

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.

C Dunipace

Legal Member/Chair

2/11/18

Date

*Insert or Delete as required