

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/18/1774

**Re: Property at 38 Aberdour Street, Flat 0/2, Haghill, Glasgow, G31 3NJ ("the
Property")**

Parties:

**Mr Rene Schellekens, C/O Easy Let Properties Scotland Ltd, 789 Shettleston
Road, Glasgow, G32 7NN ("the Applicant")**

**Mr Thomas Johnstone, 38 Aberdour Street, Flat 0/2, Haghill, Glasgow, G31 3NJ
("the Respondent")**

Tribunal Members:

Sarah O'Neill (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an order for payment by the respondent of the sum
of £1950 should be granted in favour of the applicant.**

Background

An application was received on 13 July 2018 from the applicant seeking a payment order brought in terms of rule 70 (Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 ("the 2017 rules").

The applicant was seeking payment of rent arrears of £1950 from the respondent in relation to the property, being the amount of arrears outstanding as at the date of the application.

The application included copies of the tenancy agreement, and a rent statement, showing the amount of rent outstanding as at 9 July 2018 to be £1950.

Notice of the hearing, together with the application papers and guidance notes, had been served on the respondent by sheriff officers on behalf of the tribunal on 30 August 2018. No written representations had been received from the respondent.

The Hearing

A hearing was held on 18 September at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. The applicant was represented by Ms Nicola Caldwell, paralegal at TC Young Solicitors, who gave evidence on his behalf. The respondent was not present or represented at the hearing. The tribunal was satisfied that the requirements of rule 24 (1) of the 2017 rules regarding the giving of reasonable notice of the date, time and place of a hearing had been duly complied with. It therefore proceeded with the hearing in the absence of the respondent, in terms of rule 29 of the 2017 rules.

Ms Caldwell referred on behalf of the applicant to the rent statement which was before the tribunal, which showed an outstanding balance of £1950 as at 9 July 2018. She also produced an updated statement, which showed that a further two months' unpaid rent had been added to the rent account, which now totalled £2600 as at 9 September 2018. The statements showed that no rent payments had been made since 9 March 2018. Ms Caldwell told the tribunal that, as the respondent was not present at the hearing, she was seeking an order for payment for the sum outstanding as at the date of the application i.e. £1950.

Findings in Fact

- The tribunal was satisfied that there was a valid short assured tenancy in place between the parties.
- In terms of section 6.1 of the tenancy agreement, the respondent was obliged to pay the applicant the sum of £325 in rent per month.
- As at the date of the application, the respondent owed the applicant the sum of £1950 in rental payments.

Reasons for Decision

Having considered all of the evidence before it, and in the absence of any evidence from the respondent to the contrary, the tribunal was satisfied that an outstanding balance of rent arrears was due as at the date of the application in the sum of £1950.

Decision

The tribunal grants an order for payment by the respondent to the applicant for the sum of £1950.

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.

Sarah O'Neill

Legal Member/Chair

Date

18/9/18