



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising from a tenancy under Section 1 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/3782**

**Re: Property at 3/3 490 Argyle Street, Glasgow, G2 8AJ (“the Property”)**

**Parties:**

**Mrs Amy Xunyun McInnes, 6 Lochview Place, Glasgow, G33 1QB (“the Applicant”)**

**Mr Florin-Adrian Siscu, Mrs Slav Aurelia, 3/3 490 Argyle Street, Glasgow, G2 8AJ (“the Respondents”)**

**Tribunal Members:**

**Susan Christie (Legal Member)**

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

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

**Background**

- 1 The Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) was made by the Applicant, received by the Tribunal on 25 November 2019.
- 2 A Notice of Acceptance of Application made under Rule 9 of the Rules is dated 18 December 2019.
- 3 The Application seeks a payment order for unpaid rent due under a Private Residential Tenancy.
- 4 A Case Management Discussion (CMD) was scheduled for 4 March 2020 at 11.30 a.m. within Glasgow Tribunals Centre, Room 110, 20 York Street, Glasgow, G2 8GT.
- 5 The Parties were initially written to by letter on 6 January 2020.
- 3 Intimation was to be made on the Respondents by Sheriff Officer. On 8 January 2020 Sheriff Officers reported to the Tribunal that they were unable to serve the papers on the Respondents as they had received information from a

caretaker that the Respondents had vacated the Property prior to Christmas and abandoned the Property. Both mobile numbers for the Respondents also no longer being in use.

- 4 The Applicant wished the Application to proceed by means of service by advertisement on the Chamber website and arrangements were made for this to be done.
- 5 The Parties were written to by letter on 29 January 2020 intimating that a Case Management Discussion (CMD) was to be held on 4 March 2020 at 11.30 am. within Glasgow Tribunals Centre, Room 110, 20 York Street, Glasgow, G2 8GT.
- 6 Service was made by Advertisement on the Respondents.
- 7 The Letter dated 29 January 2020 was also e mailed to the First Named Respondent by the Tribunal. No communication was received from either of the Respondents.
- 8 On 3 March 2020, the Applicant contacted the Tribunal to intimate that she would not be attending the CMD as she had a family commitment. She wished the CMD to proceed and a decision to be made in her absence.

### **The Case Management Discussion**

- 3 A Case Management Discussion (CMD) took place on 4 March 2020 at 11.30 a.m. within Glasgow Tribunals Centre, Room 110, 20 York Street, Glasgow, G2 8GT.
- 4 A Certificate of Service by Advertisement was produced which confirmed that service on the Respondents had been effected by Advertisement on the website of the Chamber from 29 January 2020 to 4 March 2020.
- 5 The Respondents were not in attendance. I was satisfied that proper intimation had been made. I proceeded with the CMD in the absence of all Parties, the procedure having been fair.
- 6 The paperwork submitted along with the Application was examined and considered.
- 7 The Applicant is the registered Landlord of the Property.
- 8 A Private Residential Tenancy (PRT) was entered into between the Applicant as the Landlord and the Respondents as joint tenants commencing on 2 February 2019.
- 9 The rent being £1000 per month.
- 10 On 7 November 2019, a Decision was made involving the same Parties and in respect of the same tenancy under reference FTS/HPC/CV/19/2514 when an Order for payment was made in favour of the Applicant against the Respondents for unpaid rent due of £4600 for rent arrears due up to 2 September 2019.
- 11 The Applicant in the current Application seeks a payment order for an additional sum of £2000 being unpaid rent for the months of October and November 2019. A rent statement was produced showing the total balance due as at 2 November 2019 of £6600. After deduction of the sum Ordered to be paid under reference FTS/HPC/CV/19/2514, this left a balance of £2000 of unpaid rent due.
- 12 The last payment towards rent due was £600 on 2 June 2019. Nothing had been paid since.

13 In the previous Application, the Tribunal papers had been served on the Respondent by Sheriff Officer on 10 October 2019 at the property address by personal service on the First Named Respondent and he had received both sets.

### **Findings in Fact**

- I. A Private Residential Tenancy (PRT) was entered into between the Parties for the Property and commenced on 2 February 2019.
- II. The rent due under the PRT is £1000 per month payable from 2 February 2019 and monthly thereafter until the tenancy ends.
- III. As at the date of the lodging of this Application the total rent arrears were £6600.
- IV. On 7 November 2019, a Decision was made involving the same Parties and in respect of the same tenancy under reference FTS/HPC/CV/19/2514 when an Order for payment was made in favour of the Applicant against the Respondents for unpaid rent due of £4600 for rent arrears due up to 2 September 2019.
- V. The rent due on 2 October and 2 November 2019 remains unpaid and totals £2000.
- VI. The last payment towards rent due was £600 on 2 June 2019. Nothing had been paid since.
- VII. The Respondents being in arrears of rent, a payment Order is granted in this Application for the sum of £2000.

### **Reasons for Decision & Decision**

A Private Residential Tenancy (PRT) was entered into between the Parties for the Property commencing on 2 February 2019.

The rent due under the PRT is £1000 per month payable from 2 February 2019 and monthly thereafter until the tenancy ends.

The rent due to be paid by the Respondents to the Applicant for 2 October and 2 November 2019 remains unpaid and totals £2000. The last payment towards rent due was £600 on 2 June 2019. Nothing had been paid since.

I am satisfied that the Respondents had vacated the Property sometime before 8 January 2020 when Sheriff Officers reported to the Tribunal that they were unable to serve the papers on the Respondents as they had received information from a caretaker that the Respondents had vacated the Property prior to Christmas and abandoned the Property. In the previous Application the papers had been served on the Respondent by Sheriff Officer on 10 October 2019 at the property address by personal service on the First Named Respondent.

I am satisfied that the rent was lawfully due for 2 October and 2 November 2019 and remains unpaid.

An Order for payment is made.

## 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.

**Susan Christie**

Legal Member/Chair

4 March 2020

Date