



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/22/2437

Re: Property at 17 Briarcroft Place, Glasgow, G33 1RF (“the Property”)

Parties:

Mr David Kenna, 2 McVey Place, Stepps, Glasgow, G33 6NX (“the Applicant”)

Mr Adam Mills, 17 Briarcroft Place, Glasgow, G33 1RF (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal 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 granted for payment in the sum of Four thousand pounds (£4,000.00)

Background

1. By application dated 21 July 2022 the applicant sought an order under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 13 September 2022 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion (CMD) was set to take place on 9 December 2022 and appropriate intimation of that hearing was given to both parties

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 9 December 2022 via telephone case conference. The applicant did not take part personally in the telephone case conference but was represented by his letting agent, Ms Lorraine Brennan from 1-2-Let (Lettings and Sales) Limited of 104 Bellgrove Street Glasgow G31 1AA. The Respondent did not take part.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters
6. The tribunal asked various questions of the applicant's representative with regard to the application. The tribunal noted that the sum claimed in the application was £6,800 which included the agreed deposit in respect of the tenancy. The representative agreed that this sum was not properly recoverable and accepted that the claim before the tribunal related only to the arrears of rent which amounted to £4,000. It was noted that the respondent had now vacated the property
7. The representative confirmed that she wished the order for payment in the sum of £4,000 to be made

Findings in Fact

8. The Applicant is the registered owner of the property
9. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 18 May 2022
10. The tenancy was a private residential tenancy in terms of the Act
11. The agreed monthly rental was £1,400
12. Arrears had started to accrue from the start of the tenancy in June 2020 and at the date of the lodging of the application arrears amounted to £4,000
13. This amount of arrears remained unpaid and outstanding at the date of the CMD.
14. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

15. The tribunal accepted the unchallenged evidence of the applicant's representative regarding the outstanding sums. The tribunal noted that the respondent had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so
16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for payment of the sum of £4,000.00 is granted

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.

Jim Bauld

Jim Bauld
Legal Member/Chair

9 December 2022
Date