



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/3263**

**Re: Property at 20 Shuttle Street, Kilsyth, Glasgow, G65 0BL (“the Property”)**

**Parties:**

**Ms Margaret Finlay, 22 Drumtrocher Street, Kilsyth, Glasgow, G65 0LX (“the Applicant”)**

**Mr Daniel Chuhan, 60 South Barrwood Road, Kilsyth, G65 0EZ (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Thirteen thousand five hundred and fifty pounds (£13,550)**

**Background**

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent for unpaid rent arrears in the sum of £13,550.
- 2 By Notice of Acceptance of Application dated 30 November 2023 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned and a copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

### **Case Management Discussion**

- 3 The Applicant was represented by Mr Calvin Gordon of Thorntons Law LLP. The Respondent was not in attendance. The Tribunal noted that he had been served with the application paperwork together with notification of the date and time of the Case Management Discussion and therefore determined to proceed in his absence.
- 4 Mr Gordon confirmed that the Applicant sought an order for payment in the sum of £13,550. Attempts had been made to engage with the Respondent but he had failed to put forward any proposals for repayment. The tenancy had ended on or around 16 April 2023.

### **Findings in Fact and Law**

- 5 The parties entered into a Private Residential Tenancy Agreement which commenced on 1<sup>st</sup> June 2018.
- 6 In terms of Clause 7 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £450 per calendar month.
- 7 The Respondent's payments towards the rent have been sporadic and erratic.
- 8 The last payment made by the Respondent by way of rent was £450 in March 2022.
- 9 The tenancy between the parties terminated on 16 April 2023.
- 10 As at the date of termination arrears in the sum of £13,550 were outstanding.

### **Reasons for Decision**

- 11 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion, taking into account the application paperwork and the submissions from the parties at the Case Management Discussion, and that it would not be prejudicial to the interests of the parties to do so. The Respondent had been served with the application paperwork but had failed to make any written representations in response, and had failed to attend the Case Management Discussion. The Tribunal therefore considered it was able to proceed to determine the application in his absence.
- 12 The Tribunal accepted, based on its findings in fact, that the Respondent was due to pay the sum of £13,550 to the Applicant under the terms of the tenancy agreement between the parties. The Tribunal therefore made an order in that sum.

## **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.**

**13 March 2024**

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**Legal Member/Chair**

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**Date**