



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/20/2625

Re: Property at 3/1, 1 Arrochar Street, Glasgow, G23 5PJ (“the Property”)

Parties:

Mrs Dee Marshall, 15 Laburnum Ave, Glasgow, G72 7BJ (“the Applicant”)

Mr Fraser Paterson, 3/1, 1 Arrochar Street, Glasgow, G23 5PJ (“the Respondent”)

Tribunal Members:

David Preston (Legal 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 to the applicant of the sum of FOUR THOUSAND SIX HUNDRED AND FORTY FIVE POUNDS (£4645) should be made.

Background:

1. By application dated 15 December 2020 the applicant applied for an order for payment in respect of arrears of rent amounting to £3460. By email dated 25 February 2021 the sum sought was increased to £4645. The email and updated rent statement were copied over to the respondent
2. The papers before the tribunal comprised: Tenancy Agreement dated 20 July 2017; rent statement to 20 February 2021 showing arrears of rent to that date of £4645.
3. By Decision dated 26 January 2021, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation dated 4 February 2021 with Notice of the Case Management Discussion (CMD) to be held on 10 March 2021 at 1400 was served by Sheriff Officers conform to Certificate of Service dated 5 February 2021.
4. The respondent sent an email to the tribunal administration on 5 March 2021 which contained certain sensitive information regarding the health of individuals. The

administration alerted the respondent to this and requested consent to the email being copied over to the applicant in accordance with normal practice. The respondent did not reply, and that email was not copied over. The email stated that the respondent intended to participate in the CMD by telephone.

Case Management Discussion

5. On 10 March 2021 at 1400 a hearing was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Present by telephone at the CMD were Ms Sharon Campbell, Director of GSL (Glasgow Sales & Lettings) and Ms Grace MacDonald, Property Manager on behalf of the applicant. There was no attendance by or on behalf of the respondent. In view of the indication from the respondent at he intended to take part in the CMD, the tribunal waited until 1415 but by that time the respondent had not joined the call.
6. The tribunal was satisfied that the respondent had been duly served with Notice of the CMD and, although he had indicated an intention to participate failed to do so thereby voluntarily waiving his right to be present or represented. In these circumstances tribunal was content to proceed with the CMD.
7. Ms McDonald on behalf of the applicant advised that the respondent had a history of erratic payment of rent, but the applicant had cooperated in the past with the respondent in view of his financial situation. However, having had no rent paid since June 2020 despite having been contacted by GSL on a number of occasions in an effort to establish a payment arrangement, she had no alternative but to make application to recover the outstanding rent.

Findings in Fact

8. The parties entered into a Private Residential Tenancy Agreement that commenced 20 July 2017 at a rent of £395 per month. The respondent remains in occupation of the property.
9. The respondent last paid rent on 20 June 2020.
10. The respondent accrued rent arrears as at 20 February 2021 amounting to £4645

Reasons for Decision:

11. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
12. The tribunal accepted the information in the file and as provided by Ms McDonald and determined that the applicant was entitled to an Order for Payment in the sum sought (as amended).

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.

David Preston

10 March 2021

Legal Member/Chair

Date