



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/19/2272**

**Re: Property at Flat 2/1, 21 Chisholm Street, Glasgow, G1 5HA (“the Property”)**

**Parties:**

**Mr Ronald Bell, 8 Hilton Terrace, Bishopbriggs, Glasgow, G64 3HB (“the Applicant”)**

**Ms Michelle Sweeney, Flat 2/1, 21 Chisholm Street, Glasgow, G1 5HA (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

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

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

**BACKGROUND**

1. By way of a tenancy agreement dated 9 and 31 December 2019 the Applicant let the Property to the Respondent. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016 (the “2016 Act”);
2. The start date of the tenancy was 9 December 2018;
3. Rent was payable at the rate of £650.00 per calendar month;
4. On 5 May 2019 the Applicant served a Notice to Leave on the Respondent intimating that he wished possession of the Property as he intended to sell it. This Notice intimated that an application to the Tribunal would not be made before 4 June 2019;
5. The Respondent remained in occupation of the Property;
6. The respondent fell in to arrears of rent. The Applicant applied to the Tribunal for an order for payment of rent arrears. As at the date of a Case

Management Discussion on 15 November 2019 the arrears amounted to £4,826.00;

## **THE CASE MANAGEMENT DISCUSSION**

7. The Applicant attended the Case Management Discussion held on 15 November 2019 at 2pm. The Respondent did not;
8. The Respondent had telephoned the Tribunal on 12 November 2019 advising that she was unable to attend. She provided no reason. She was asked to confirm the position by e mail. She failed to do so;
9. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received notice of the Case Management Discussion determined that it was appropriate to proceed in her absence in accordance with Rule 29 of the FTT Rules;
10. The Applicant moved the Tribunal, in terms of Rule 14A of the FTT Rules, to vary the amount claimed from £3,900 to £4,826 to take account of the increased arrears now due. The Tribunal allowed this amendment;

## **FINDINGS IN FACT**

11. The Tribunal found the following facts to be admitted or proved:-
  - a) By way of a tenancy agreement dated 9 and 31 December 2019 the Applicant let the Property to the Respondent. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016 (the "2016 Act");
  - b) The start date of the tenancy was 9 December 2018;
  - c) Rent was payable at the rate of £650.00 per calendar month;
  - d) On 5 May 2019 the Applicant served a Notice to Leave on the Respondent intimating that he wished possession of the Property as he intended to sell it. This Notice intimated that an application to the Tribunal would not be made before 4 June 2019;
  - e) The Respondent remained in occupation of the Property;
  - f) The respondent fell in to arrears of rent. As at the date of a Case Management Discussion on 15 November 2019 the arrears amounted to £4,826.00;
  - g) Rent arrears were not as a result of any failure nor delay in payment of relevant benefits;

## **DECISION**

The Tribunal granted an order against the Respondent for payment of the sum of FOUR THOUSAND EIGHT HUNDRED AND TWENTY SIX POUNDS (£4,826.00) STERLING to the Applicant.

## 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.

Virgil Crawford  
Legal Member/Chair

15 November 2019

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Date