

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

**Chamber Ref: FTS/HPC/CV/20/0037**

**Re: Property at Flat 0/4, 353 Glasgow Harbour Terrace, Glasgow, G11 6DJ (“the Property”)**

**Parties:**

**Highlodge Agencies Limited, Highlodge Agencies, 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ (“the Applicant”)**

**Mr Dale Coid, Address Unknown, Address Unknown (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall pay the applicant the sum of two thousand three hundred pounds (£2300) in respect of rent arrears for the property at Flat 0/4 353 Glasgow Harbour Terrace Glasgow G11 6DJ.**

**2. This was an application in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s71 of the Private Housing (Tenancies)(Scotland) Act 2016 to recover rent arrears for the property.**

**3. The tribunal had before it the following copy documents:**

- (1) Application dated 8 January 2020.
- (2) Private Residential Tenancy Agreement dated 31 July 2019 for let of the property from 2 August 2019 with an agreed rent of £600 per month.
- (3) Rent statement.
- (4) Land certificate.

**4. The applicant’s representative Mrs Simone Wolda attended the CMD on their behalf. The respondent did not attend and was not represented. The tribunal had sight of the sheriff officers’ execution of service by depositing on 21 January 2020. The tribunal was satisfied that the respondent had received appropriate notice in**

terms of rule 24. The tribunal proceeded to hear the application in the respondent's absence in terms of rule 29.

## **5. Discussion**

Mrs Wolda advised that the rent arrears have now increased to £2900. The application was for £2300. In the absence of any application to amend the sum sought in terms of rule 14A the tribunal was not minded to grant an order for the increased sum. Rather than adjourn the CMD to enable an amendment to be lodged Mrs Wolda invited the tribunal to grant an order for £2300 today.

## **6. Findings in fact**

- (1) The applicant is the owner of the property.
- (2) The parties entered into a private residential tenancy agreement on 31 July 2019 for let of the property from 2 August 2019.
- (3) The agreed monthly rent was £600.
- (4) Rent arrears began to accrue from September 2019.
- (5) The rent arrears as at January 2020 were £2300.
- (6) The sum of £2300 remains due.

## **7. Reasons**

This was an undefended application to recover rent arrears. The tribunal was satisfied that it had sufficient information before it today to make a decision and the procedure has been fair. The tribunal accordingly granted an order for the sum sought in the application of £2300.

Lesley Ward

## **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.

Lesley Ward

25 February 2020

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Lesley A Ward Legal Member

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Date