



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1457

Re: Property at 4 Ross Avenue, Kirkintilloch, Glasgow, G66 2BW (“the Property”)

Parties:

Mr Greg Clarkson, Dromore House, 52 Industry Street, Kirkintilloch, Glasgow, G66 3AG (“the Applicant”)

Miss Julie Maxwell, 5 Cairnview, Kirkintilloch, Glasgow, G66 3LP (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £2780.68.

Background

1. By application dated 16 June 2021 the Applicant’s representatives Coda Estates, 2- 4 Heath Avenue, Lenzie, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent payments due by the Respondent arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 30 June 2021 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was sent to the Applicant's representatives by post on 2 July 2021 and was served on the Respondent by Sheriff Officers on 5 July 2021.
4. A CMD was held by teleconference on 10 August 2021. Neither party attended or was represented. The Tribunal clerk attempted to contact the Applicant's representative by telephone without success. The Tribunal waited until 11.45 am to give the parties time to attend. Thereafter the Tribunal dismissed the application.
5. By email dated 12 August 2021 the Applicant's representative applied for a recall of the decision and explained that he had mis-diarised the date of the CMD as 11 August 2021. He submitted that the interests of justice would best be served by allowing the application to proceed and recalling the decision.
6. By its decision dated 28 August 2021 the Tribunal recalled its decision of 10 August 2021 and assigned a fresh Case Management Discussion.

The Case Management Discussion

7. A Case Management Discussion ("CMD") was held by teleconference on 8 November 2021. The Applicant was represented by Ms Sharon Cooke from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal was satisfied that the Respondent had been given notice of the date and time of the CMD and determined to proceed in her absence.
8. Ms Cooke confirmed that the Respondent's Private Residential Tenancy which had commenced on 10 January 2019 ended on 8 April 2021. At that time, she said the Respondent owed £3980.68 in rent. Ms Cooke confirmed that the Applicant subsequently received £1200.00 from Safe Deposits Scotland leaving a balance due by the Respondent of £2780.68. She said that the Respondent had prior to leaving the property offered to clear the debt by making weekly payments but shortly after moving out all communication had stopped and no payments had been made. The Applicant was therefore seeking an order for payment in the sum of £2780.68.

Findings in Fact

9. The parties entered into a Private Residential Tenancy that commenced on 10 January 2019 and ended on 8 April 2021.
10. The rent was £1200.00 per calendar month.
11. At the end of the tenancy the Respondent owed £3980.68 in rent.
12. The Applicant recovered £1200.00 deposit held by Safe Deposits Scotland leaving a balance due by the Respondent of £2780.68.
13. The Respondent has made no payments towards the outstanding balance.

Reasons for Decision

14. The Tribunal was satisfied from the documents produced and the oral submissions that the parties entered into a Private Residential Tenancy at a rent of £1200.00 per calendar month and that over a prolonged period the Respondent accrued rent arrears. The Rent statement produced by the Applicant's representatives showed that when the Respondent left the property in April 2021, she was due rent of £3980.68. The Tribunal was satisfied that after the Applicant had recovered from Safe Deposits the Respondent's deposit of £1200.00 the balance due by the Respondent was £2780.68.
15. The Tribunal was satisfied that the Respondent had been given an opportunity by the Applicant's representatives to enter into a payment arrangement but had failed to maintain communication with them. The Respondent had also been given an opportunity to make written representation to the Tribunal and to attend the CMDs but had not done so. In all the circumstances the Tribunal was satisfied that it had sufficient information before it to make a decision without the need for a hearing.

Decision

16. **The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £2780.68.**

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.

Graham Harding

Legal Member/Chair

8 November 2021
Date

