



**Decision with 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/22/0502

**Re: Property at 22 Birdston Road, Milton of Campsie, Glasgow, G66 8BU (“the
Property”)**

Parties:

Mr Allan Gray, 41 Inverlochy Crescent, Glasgow, G33 5ES (“the Applicant”)

Ms Gillian Garlinge, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Ms H Forbes (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 should be granted in favour of
the Applicant in the sum of £3180.**

Background

1. This is an application received in the period between 22nd February and 7th June 2022 and made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant was the landlord of the Property, and the Respondent was the tenant, in terms of a private residential tenancy that commenced on 28th December 2018, with rent due in the sum of £795 per month. The tenancy ended on or around 31st August 2022. The Applicant’s representative lodged a copy of the tenancy agreement and a rent statement.
2. An unsuccessful attempt was made to serve notification of the application and a Case Management Discussion upon the Respondent by Sheriff Officers on or around 29th July 2022.
3. Thereafter, service was effected on the Advertisement page of the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 15th September until 28 October 2022.

The Case Management Discussion

4. A Case Management Discussion took place by telephone conference on 28th October 2022. Neither party was in attendance. The Applicant was represented by Ms Rachel Thomson, Solicitor
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that service had been effected in terms of Rule 6A, the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent
6. Ms Thomson asked the Tribunal to grant an order in the sum of £3180, being the outstanding rent due for the period from May to August 2021. There had been a previous application to the Tribunal for a payment order in respect of rent arrears and an order was granted in December 2021.
7. Following questions from the Tribunal regarding the end date of the tenancy, there was a short adjournment while Ms Thomson made further enquiries.
8. Upon reconvening, Ms Thomson confirmed that the Respondent was due to leave the Property on 18th August 2021, however, she was still there on 26th August 2021. The Property was checked again on 31st August 2021, by which time the Respondent had left the Property.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy that commenced on 28th December 2018, with rent due in the sum of £795 per month.
 - (ii) The tenancy ended on or around 31st August 2022.
 - (iii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £3180.

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.



Legal Member/Chair

28th October 2022
Date