



**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/22/2831**

**Re: Property at 2-1 37 Oakfield, Glasgow, G12 8LL (“the Property”)**

**Parties:**

**Mr Craig Ambrose, 5 Preston House Gardens, Linlithgow, EH49 6PZ (“the Applicant”)**

**Mr Jack Boyle, 2-1 37 Oakfield Avenue, Glasgow, G12 8LL (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member) and Gerard Darroch (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of payment be made requiring the Respondent to pay the sum of FOUR THOUSAND FIVE HUNDRED POUNDS (£4,500) to the Applicant.**

**Background**

1. On 11<sup>th</sup> August 2022, the Applicant’s agents submitted an application to the First-tier Tribunal for Scotland seeking an order of eviction.
2. On 7<sup>th</sup> September 2022, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 7<sup>th</sup> December 2022.

**The case management discussion**

4. Ms Sharon Cooke and Ms Katrina O’Neill of Coda Estates Ltd represented the Applicant.

5. The Respondent was not present and the tribunal noted that the arrangements for the case management discussion had been intimated to the Respondent by Sheriff Officer on 28<sup>th</sup> October 2022.
6. The Legal Member explained the purpose of a case management discussion. Ms Cooke referred to the rent statement which had been submitted to the Tribunal with the application and which showed there to be arrears of rent of £2,775. She directed the tribunal to an updated rent statement which she had submitted and which had been sent to the Respondent on 25<sup>th</sup> November 2022. That statement showed the level of arrears to be £4,500. Ms Cooke invited the tribunal to amend the sum sought to reflect the arrears of £4,500 which had been brought out in the updated rent statement.
7. The tribunal agreed to amend the sum claimed to be £4,500 in terms of Rule 14 A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
8. Ms Cooke invited the tribunal to determine the matter without a Hearing and to issue an order for payment.
9. Findings in Fact
  - (i) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property on 24<sup>th</sup> February 2022.
  - (ii) The tenancy commenced on 25<sup>th</sup> February 2022.
  - (iii) The monthly rent due under the private residential tenancy is £575.
  - (iv) The rent arrears due as at 9<sup>th</sup> August 2022 were £2,775.
  - (v) The rent arrears due as at 26<sup>th</sup> October 2022 were £4,500.

#### 10. Documents before Tribunal

- (i) Private residential tenancy agreement dated 24<sup>th</sup> February 2022.
- (ii) Rent statements.

#### Oral Evidence

11. Ms Cooke said that her company had made efforts to get the Respondent to engage in relation to the arrears of rent but that he had not responded. She said that he had been offered a “pay up plan” in respect of arrears but had not taken up that offer.
12. Ms Cooke referred to the letter which had been sent to the Respondent on 21<sup>st</sup> June 2022 which signposted him to advice agencies which might assist him.
13. Ms Cooke said that the Respondent had paid no rent since the commencement of the tenancy and that the current rent arrears were £5,075.

### Reasons for Decision

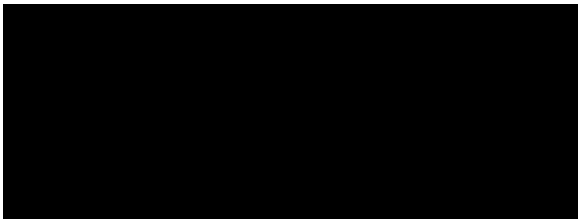
14. The tribunal saw no reason for determination of the application to be continued to a Hearing. Arrangements for the case management discussion had been intimated to the Respondent and he had not attended and had not submitted written representations.

### Decision

15. The tribunal determined that the application be granted and that an order of payment be made in the sum of £4,500.

### **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  
7<sup>th</sup> December 2022**