



**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/22/3206**

**Re: Property at 83B Candleriggs Court, Flat 3/5, Glasgow, G1 1LF (“the Property”)**

**Parties:**

**Nevis Properties Limited, 6th Floor Gordon Chambers, 90 Mitchell Street, Glasgow, G1 3NQ (“the Applicant”)**

**Ms Pauline Torley, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. A case management discussion (“CMD”) was scheduled to take place on 19 December 2022. The CMD was cancelled because sheriff officers were unable to trace the Respondent.
3. On 3 February 2023, the Tribunal published details of the application on the Housing and Property Chamber website.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant was represented by Ms McKendrick. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant's representative advised that the Respondent vacated the property on 31 October 2022. The rent statement lodged in support of the application shows that the rent arrears as at 1 September 2022 amounted to £8,183.98. The Respondent has incurred one further month of rent of £925, but the Applicant's representative recognised that the Respondent did not have notice that any higher sum might be sought. The Applicant has already obtained a payment order in the sum of £2,775. The Applicant's representative moved for an order for payment in the sum of £5,408.98 being the rent balance shown on the rent statement, less the sum already ordered.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 1 May 2020.
6. The Respondent was obliged to pay rent at the rate of £925 per month, in advance.
7. As at 1 September 2022, the Respondent was in arrears of rent of £8,183.98.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to participate in the discussion and did not lodge any written submissions. The rent statement lodged demonstrated that there are significant arrears of rent. There was nothing to indicate that the Respondent disputed the level of rent arrears shown on the updated rent statement. The Tribunal was satisfied that the sum of £5,408.98 is due to the Applicant, an order for payment in the sum of £2,775 already having been granted.

### **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.**

# Nicola Irvine

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Legal Member/Chair

9 March 2023

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Date