



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/19/2824**

**Re: Property at 54 Kessington Road, Bearsden, Glasgow, G61 2HJ (“the  
Property”)**

**Parties:**

**Mr David Frod, c/o 4 Chancellor Street, Glasgow, G11 5RQ (“the Applicant”)**

**Mr Scott Bryan, Mrs Michelle Bryan, 54 Kessington Road, Bearsden, Glasgow,  
G61 2HJ (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) granted an order for payment against the Respondents in the sum  
of £3,200.**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £3,200. That sum related to arrears of rent in respect of the Respondents’ tenancy of the property at 54 Kessington Road, Bearsden. The Tribunal intimated the application to the parties by letter of 18<sup>th</sup> October 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 8<sup>th</sup> November 2019. No written representations were received by the Tribunal.

### **The Case Management Discussion**

The Applicant was represented by Miss Annette Hanna from Victoria Letting Ltd and was accompanied by Mr Ian Barclay. The case management discussion proceeded in the absence of the Respondents. The Applicant's representative advised the Tribunal that there have been no payments from the Respondents since June 2019 and accordingly, the rent arrears have increased to £5,000. The Tribunal observed that there has been no application to amend the sum sought and therefore, there has been no notice to the Respondents that an order for any increased sum would be sought. The Applicant's representative sought an order for payment in the sum of £3,200.

### **Findings in Fact**

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 25<sup>th</sup> July 2018.
2. The rent payable was £900 per month, payable in advance.
3. The Respondents started to accrue rent arrears from March 2019 and failed to pay any rent after June 2019.
4. The Applicant is entitled to the Order sought for payment in the sum of £3,200 in respect of rent arrears.

### **Reason for Decision**

The Applicant has produced documentation which shows that the rent arrears amounted to £3,200 at the time the present application was presented. Although the Applicant's representative advised that the rent arrears have continued to accrue, there has been no fair notice to the Respondents that a higher sum may be sought today. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondents and therefore granted the order for payment.

### **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.**

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Legal Member/Chair

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20<sup>th</sup> November 2019  
Date