

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising from a tenancy under Section 32 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/CV/19/3929**

**Re: Property at Flat G/L, 13 Argyle Street, Stonehouse, ML9 3LL (“the Property”)**

**Parties:**

**Ringley Park Properties Ltd., Office 2 Room 8, Kirkhill House, Broom Road East, Newton Mearns, G77 5LL (“the Applicant”)**

**Mr Charles McLaren, Unknown, Unknown (“the Respondent”)**

**Tribunal Member:**

**Susan Christie (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 be granted in favour of the Applicant in the sum of £1650 against the Respondent.**

**Background**

1. The application made is for an Order for payment of unpaid rent due and was received by the Tribunal on 10 December 2019.
2. A Notice of Acceptance of the Application by the Tribunal is dated 17 December 2019.
3. The application type is made under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
4. A Case Management Discussion (CMD) was initially scheduled then cancelled as the notification paperwork could not be served on the Respondent. Intimation on the Respondent had been attempted by Sheriff Officer. Sheriff Officers had attended at the address given for the Respondent in the Application of 38 Linnhe Crescent, Wishaw and were satisfied that service could not be made there. Enquiries showed that the Respondent had moved out and no male occupant lived there.

5. A new date was assigned for a Case Management Discussion for today 21 February 2020 at 11.30 a.m. within Room 108 Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT and the Applicant was advised of this.
6. Service was effected by advertisement on the Respondent of the Case Management Discussion on the First-tier Tribunal for Scotland Housing and Property Chamber website between 16 January 2020 and 21 February 2020.
7. Written responses were required but none were lodged.

### **The Case Management Discussion**

8. The Applicant was represented by Mr James McMillan.
9. The Respondent was not in attendance. I was satisfied by the terms of the Certificate of Service by Advertisement that proper intimation had been made.
10. The documents lodged in support of this application were examined and discussed.
11. The Parties had entered into a Short Assured Tenancy. The initial term of which was 12 February 2015 to 12 August 2015 and continued in terms of the contract thereafter on the same term until such times as it was ended by either party giving two months' notice in writing to terminate it.
12. The rent being £275 per calendar month to be paid on 27th of every month.
13. The Respondent I am advised left the Property on 11 January 2019 but did not intimate his intention to leave in writing. He left having accrued rent arrears over the period 12 August 2016 up to the date the last rent was due on 12 December 2018. As he should have paid rent in advance, this covered the period to 12 January 2019.
14. Attendances at the Property by a Representative of the Applicant and enquiries made with a neighbour confirmed the Respondent had permanently vacated the Property. The Property was then recovered by the Applicant.
15. Following on from that, a trace was instructed by the Applicant through an investigation agency and a new address was obtained for the Respondent. However, when the Tribunal papers were to be served it transpired that the Respondent was no longer there. No further address was known for the Respondent. Service by Advertisement was then effected.
16. The Applicant has produced a detailed breakdown of the rent due and it details the payments made by the Respondent until his last payment of £150 on 14 January 2019. The sum of £1650 remains unpaid and the Applicant seeks an Order in that amount.
17. The Applicant has not had any contact from or on behalf of the Respondents nor is it aware of the whereabouts of the Respondent currently.

### **Findings in Fact**

- I. The Parties entered into a Short Assured tenancy Agreement with an initial term of 12 February 2015 to 12 August 2015 and which continued in terms of the contract thereafter on the same term until such times as it was ended by either party.
- II. The rent being £275 per calendar month to be paid on 27th of every month.

- III. The Respondent vacated the Property on 11 January 2019.
- IV. The Respondent owed £1650 of unpaid rent to the Applicant for the period up to 12 January 2019.
- V. The rent arrears outstanding and owing to the Applicant by the Respondents is £1650 as at today's date.
- VI. The Applicant is entitled to a payment Order for unpaid rent due and owing.
- VII. An Order for Payment is granted in the sum of £1650.

### **Reasons for Decision & Decision**

The Tribunal is satisfied that the unpaid rent due and owing is £1650 under the tenancy agreement between the Parties, as evidenced in the rent account produced. An Order is granted in that sum.

### **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.

**Susan Christie**

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Legal Member/Chair

21 February 2020

Date