

**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) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/23/3930**

**Re: Property at 12 Lesmuir Drive, Glasgow, G14 0EQ ("the Property")**

**Parties:**

**Mrs Nirmal Sumal, 15 Wyvis Avenue, Glasgow, G61 4RD ("the Applicant")**

**Ms Karen Grant, 12 Lesmuir Drive, Glasgow, G14 0EQ ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum sought of £28,450.00.**

**Background**

[2] The Applicant seeks a payment Order for rent arrears said to be lawfully due but unpaid by the Respondent to the Applicant under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and a rent statement. The Respondent had also submitted written representations to the Tribunal setting out her position.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 21 February 2024. The Applicant was represented by Ms McCoy of Regent

Property. The Respondent was personally present. Neither party had any preliminary matters to raise.

[4] The Tribunal discussed all aspects of the Application with both parties. Having done so, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The Parties entered into a Short Assured Tenancy within the meaning of the Housing (Scotland) Act 1988 in terms of which the Applicant let the Property to the Respondent;*
- II. *The contractual monthly rent was £675.00;*
- III. *The Respondent stopped paying rent in February 2020 and has made zero payments towards her rent since then;*
- IV. *The Respondent raised an Application to the Housing and Property Chamber seeking a Repairing Standards Enforcement Order;*
- V. *The Tribunal granted a Repairing Standards Enforcement Order on 30 August 2021. Due to the issues identified within the Property, the Tribunal Made a Rent Relief Order at the rate of 30% in March 2022 meaning that from that point, the sum of £472.50 had been judicially determined to be due as rent until further notice;*
- VI. *The Respondent did not assist with the repair works being carried out and a Tribunal had to grant the Applicant a Right of Entry order in order to access the Property;*
- VII. *Repairs were undertaken and the Repairing Standards Enforcement Order was discharged on 8 June 2023;*
- VIII. *Notwithstanding the terms of the Rent Relief Order made, the Respondent continues not to pay any rent;*
- IX. *The Respondent has advised that she does not intend to pay any rent because she has received an "Eviction Order";*
- X. *When this Application was lodged the sum of £28,450.00 was lawfully due as rent by the Respondent to the Applicant;*

## Reasons for Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum sought of £28,450.00. The Applicant did not seek interest on the sum claimed and so no award of interest was made.

## 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.

Andrew McLaughlin

	_____	<u>21 February 2024</u>
Legal Member/Chair		Date