



**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/18/1865

**Re: Property at 8 Brent Gardens, Regents Park, Glasgow, G46 8GB (“the
Property”)**

Parties:

Mrs Bibi Kausar, 8 Brent Avenue, Glasgow, G46 8JY (“the Applicant”)

**Mrs Cheryle McLaughlin, 8 Brent Gardens, Glasgow, G46 8GB (“the
Respondent”)**

Tribunal Members:

Steven Quither (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

1. BACKGROUND

This was an application for payment of rent arrears of £5097-95 arising from the Respondent’s occupation of the property in terms of a Leasing Agreement entered into between her and the Applicant commencing 31 January 2014, in terms of which she agreed to pay £725 rent per calendar month.

With the application was a copy of the Agreement and a Rent Statement bringing out the figure now claimed.

2. CASE MANAGEMENT DISCUSSION (“CMD”)

This took place on 8 October, when the Applicant was represented by her Agents. The Respondent did not attend. I had documentation before me confirming all relevant papers, including notice of the CMD were served on the Respondent by Sheriff Officers on 11 September 2018. In these circumstances, I considered it appropriate to proceed in the Respondent’s

absence. I further clarified that no written representations to the Tribunal had been made by her.

At the CMD I clarified with the Applicant's agents that the monthly rent had been increased by agreement on 2 occasions since commencement of the lease, borne out by numerous payments of the increased rental payments shown in the Rent Statement.

They also confirmed the Respondent continues to occupy the Property and had not made any representations to them about these proceedings, although they understood she had perhaps made informal contact direct with the Applicant. The arrears remained outstanding and they were seeking the order. Upon being asked by them to do so, I confirmed and clarified that separate proceedings would be necessary for eviction of the Respondent from the Property, this application dealing only with rent arrears.

3. FINDINGS IN FACT

I found it established that the Parties entered into a Leasing Agreement for the Property, commencing 31 January 2014, that the rent was £725 per calendar month, that this was increased by agreement on 2 occasions and that arrears of £5097-95 had accrued up to and including the rent payment due on 6 July 2018 for the period from that date till 5 August 2018.

4. REASONS FOR DECISION

I reached my decision based on the documentation lodged and representations made at the CMD on behalf of the Applicant which, in the absence of any written or verbal representations by the Respondent, I had no reason to doubt and was content to accept.

5. DECISION

To make the order against the Respondent and in favour of the Applicant in the sum of FIVE THOUSAND AND NINETY SEVEN POUNDS, 95 PENCE (£5097-95).

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.

S Quither

SR QUITHER
Legal Member/Chair

Date 8 OCTOBER 2018

