

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



**Decision on Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules') in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.**

**Chamber Ref: FTS/HPC/CV/18/2676**

**Re: 30 Tower Avenue, Barrhead, G78 1DN ("the Property")**

**Parties:**

**Stephen Porter, 9 Hillside Grove, Barrhead, G78 1HB ("the Applicant")**

**Domino Estates, Pavillion 1, Finneston Business Park, 12 Minerva Way, Glasgow, G3 8AU ('The Applicants' Representative')**

**Aisha Zeeshan formerly residing at 30 Tower Avenue, Barrhead, G78 7DN whose present whereabouts are unknown ("the Respondent")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")**

**Tribunal Member: Jacqui Taylor (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment would be issued requiring the Respondents to pay the Applicant the sum of £6550.55.**

**Background**

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £2550 being the sum outstanding as at 1<sup>st</sup> October 2018 or such other sum that is due at the date of any Tribunal Hearing.

**2. Documents lodged with the Tribunal.**

Documents lodged with the Tribunal by the Applicants were:

**2.1** A copy of the Private Residential Tenancy Agreement dated 24<sup>th</sup> January 2018.

5.3 The Respondent has made no further rent payments. Therefore the outstanding rent as at 23<sup>rd</sup> April 2019 amounted to £6550.55.

## **6. Requirements of Section 111 of the Procedure Rules.**

6.1 In connection with the requirements of section 111 that the application correctly detailed the requirements of section 111(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicants.
- (ii) the name and address of the Respondents.
- (iii) the reason for making the application.

6.2 The application had been accompanied by the documents specified in **Section 111(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

## **7. Decision**

7.1 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent as at 1<sup>st</sup> October 2018 to be £2550 and the oral statement of Rosalind Phillips to the effect that the Respondent had made no further rent payments.

7.2 The Tribunal noted that the Tenancy agreement provides, on pages 22 and 23 that the Landlord may dispose of the Tenant's personal possessions if they remain in the Property after termination of the Tenancy. As the Respondent had not removed her personal belongings from the Property she had not abandoned the tenancy and therefore is due rent until the Tenancy is terminated. The Tribunal determined that the outstanding rent due by the Respondent as at 23<sup>rd</sup> April 2019 amounted to £6550.55 and accordingly they issued an Order for Payment in this sum.

## **8. 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.

J.Taylor

.. Legal Member

23<sup>rd</sup> April 2019