



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/21/0083

Re: Property at 16A Crown Terrace, Partick, Glasgow, G12 9ES (“the Property”)

Parties:

Wilma Paxton Doherty, c/o Martin and Co, 172 Woodland Road, Glasgow, G3 6LL (“the Applicant”)

Nicole Bryce, Gavin McFadyen, 16A Crown Terrace, Partick, Glasgow, G12 9ES (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment should be granted in the sum of £9,327.67 with interest at the rate of 4%.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears due by the Respondent.

The Tribunal had regard to the following documents:

1. Application received 12 January 2021;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 16 February 2018;
3. Schedule of Rent Arrears as at 11 January 2021;
4. Updated Schedule of Rent Arrears as at 18 February 2021.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 5 March 2021. The Applicant did not participate but was represented by her solicitor. The 2nd Named Respondent participated and was not represented.

The Applicant advised that the arrears as at the date of the CMD had changed due to additional arrears. The sum now due was £9,327.67. This had been updated as per the Schedule of Rent Arrears lodged on 18 February 2021 and copied to the Respondent. The Applicant moved the Tribunal to grant an order for payment in that amount.

The Respondent admitted the arrears and indicated an intention to settle the arrears in full by 28 March 2021. The Applicant insisted upon an order at this stage.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 16 February 2018;
2. The monthly rent was £1,175;
3. As at the date of lodging the application the rent was in arrears in the sum of £8,197.67;
4. As at the date of the CMD the arrears were £9,327.67;
5. The arrears were admitted as due.

The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair. The Tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £9,327.67 with interest at the rate of 4%.

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.

Alan Strain

5 March 2021

Legal Member/Chair

Date