



**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**

**Chamber Ref: FTS/HPC/CV/19/3611**

**Re: Property at 51 Jura Street, Glasgow, G52 1DG (“the Property”)**

**Parties:**

**Mr Fadee Jaghleen, 73 Raeswood Crescent, Glasgow, G53 7HE (“the Applicant”)**

**Mr Charles Livingston, 51 Jura Street, Glasgow, G52 1DG (“the Respondent”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member)**

**Decision (in absence of the Respondent)**

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

**A payment order in the sum of £3096.44 should be made against the Respondent and in favour of the Applicant.**

- 1.This is an Application under Rule 111 of the Tribunal Rules for a payment order under section 71(1) of the 2016 Act.
- 2.The Application was lodged with the Tribunal on 7 November 2019 and accepted on 10 December 2019.
- 3.A Case Management Discussion was fixed for 31<sup>st</sup> January 2020.
- 4.At the Case Management Discussion Mr Fairbridge solicitor attended to represent the Applicant.
- 5.The Respondent did not attend the case management discussion and Mr Fairbridge requested that the Tribunal proceed in his absence. The Tribunal had sight of an execution of service of the Tribunal papers on the Respondent and was satisfied that the matter could go ahead in the absence of the Respondent in terms of Rule 29 of the Tribunal rules.

6.The Tribunal had sight of the Application, a statement of what was said to be rent arrears and bank statements showing a payment of benefit to the Applicant.

7.Mr Fairbridge requested a payment order in the sum of £3096.44 which he said was unpaid rent at the property up to the date of application to the Tribunal. He pointed to the fact that the tenancy had started on 6 December 2017 and the monthly rent payable was £595.The rent arrears statement showed rent arrears starting to build in November 2018 and these had increased to £2665 at the end of August 2019.A back payment of housing benefit in the sum of £758.56 had been received directly from Glasgow city Council on application by the Applicant in September 2019 and arrears had continued to build since that date. As at October 2019 rent arrears amounted to £3096.44 and no further payments had been received since then.

8.Mr Fairbridge advised the Tribunal that the Applicant was aware during the tenancy that Housing Benefit was being used to pay the rent but this had always been paid directly to the Respondent and he had no information to suggest that there had been any delay or failure in the payment of this benefit which had caused the arrears.

9.The Tribunal granted a payment order for the unpaid rent of £3096.44.

### **Findings in Fact**

10. The Applicant and Respondent entered into a Private Residential tenancy for the property on 6th December 2017 with monthly rent of £595.

11. Rent arrears started to build at the end of November 2018 and the rent was continuously in arrears from that date until the date of the Application to the Tribunal.

14.Rent arrears have continued to increase since that date. One payment of benefit was made directly to the Applicant in September 2019 direct from Glasgow City Council but this did not cover all of the arrears. The arrears as at October 2019 stand at £3096.44.

15.The rent arrears were not as a result of a delay or failure in payment of housing or another relevant benefit and such payment were paid direct to the Respondent.

16.The sum of £3096.44 is lawfully due by the Respondent to the Applicant.

### **Reasons for Decision**

17.The Tribunal was satisfied that the sum of £3096.44 is lawfully due by the Respondent to the Applicant in respect of unpaid rent at the property.

## Decision

18. The Tribunal makes a payment order against the Respondent and in favour of the Applicant in the sum of £3096.44.

## 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Valerie Bremner

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Legal Member/Chair

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Date

31 January 2020.