



**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/22/3293**

**Re: Property at Flat 0/2, 126 Jamieson Street, Glasgow, G42 7HN (“the Property”)**

**Parties:**

**Mr Neil Raymond Baxter, 89 Berrymeade, Surrey, KT21 1SF (“the Applicant”)**

**Ms Naureen Ruftaj, Flat 1/1, 108 Crofffoot Drive, Glasgow, G45 0BL (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of **FOUR THOUSAND FIVE HUNDRED AND NINETY POUNDS ONLY (£4590) STERLING**. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

**Background**

1. This is an action for recovery of rent arrears raised in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the parties commencing 20 February 2017, various letters from the Applicant to the Respondent dated June – December 2021 and a rent statement to December 2021.

3. On 10 November 2022 the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 12 December 2022 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 20 December 2022. The Tribunal also that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 2 February 2023. This paperwork was served on the Respondent by Stuart Sinclair, Sheriff Officer, Glasgow on 14 December 2022 and the Execution of Service was received by the Tribunal administration.

### **Case Management Discussion**

5. The Tribunal proceeded with a Case Management Discussion on 2 February 2023 by way of teleconference. The Applicant was represented by Ms McDade. There was no appearance by or on behalf of the Respondent despite the teleconference starting 10 minutes late to allow the Respondent plenty of time to join. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence.
6. The Tribunal had before it the Short Assured Tenancy Agreement between the parties commencing 20 February 2017, letters from the Applicant to the Respondent dated June – December 2021 and a rent statement to December 2021.
7. Ms McDade moved the Tribunal to grant an Order for payment for £4590.00. She explained that the tenancy was terminated on 20 December 2021 as shown on the rent statement. She explained that there had been issues with getting access to the tenancy and they had had to raise an action in the First-tier Tribunal for Scotland (Housing and Property Chamber). An Order had been granted to gain access but the Respondent had abandoned the about 20 December 2021 leaving it in an unacceptable state and arrears of £4590.00. They had written to the Respondent throughout to try to get her to enter into a repayment arrangement. The Tribunal noted the terms of the rent statement and that in terms of Clause 5 of the tenancy agreement the monthly rent was £510.00

### **Findings in Fact**

8. The Applicant and the Respondent agreed by way of Clause 5 of a Short Assured Tenancy Agreement commencing 20 February 2017 in relation to the Property that the Respondent would pay the Applicant a monthly rent of £510.00
9. The Respondent fell into arrears of rent. The Respondent left the Property on or about 20 December 2021. The arrears to 20 December 2021 were £4590.00

### **Reasons for Decision**

10. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Ms McDade.
11. The Tribunal noted terms of the tenancy agreement and the rent statement lodged which set out how the arrears had arisen and showed the total arrears to 20 December 2021 as being £4590.00 which was the original sum claimed. The Applicant's representative had produced evidence of persistent non-payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Ms McDade's submissions that the order for payment in favour of the Applicant be granted for the original sum claimed of £4590.00.

### **Decision**

12. The Tribunal granted an order for payment of £4590.00.

### **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.**

# Shirley Evans

2 February 2023

---

**Legal Member**

---

**Date**