



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

**Chamber Ref: FTS/HPC/CV/19/3751**

**Re: Property at 130 Torbrex Road, North Carbrain, Cumbernauld, G67 2JS (“the Property”)**

**Parties:**

**Ms Jagjit Kaur, 1 Marywell Path, Cumbernauld, Glasgow, G68 9FD (“the Applicant”)**

**Mr Mark Milligan, 398 Millcroft Road, Cumbernauld, Glasgow, G67 2QW (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

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

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

**Background**

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the sum of £3983.64 to the Applicant in relation to rent arrears due by the Respondent.
2. The application contained:-
  - a copy of the tenancy agreement;
  - rental statement; and
  - bank statement

3. The Applicant appeared. There was no appearance by the Respondent.
4. Notice of today's hearing had been served on the Respondent by recorded delivery post. I had sight of the trace and trace certificate to the Respondent. I was satisfied that service had been carried out, and I was therefore prepared to proceed with today's hearing in the Respondent's absence.
5. This was a further case management hearing. An earlier one having taken place on 16 March 2020. At that hearing the tribunal had issued a direction seeking that the Applicant lodge a rent statement showing the rent arrears due and sought up to 30 March 2020. The Applicant lodged a rent statement on 17 March 2020, showing rent arrears sought as at 24 February 2020. The rent statement showed that rent arrears totalled £5025.64 as at 24 February 2020. The direction and updated rent statement had been sent to the Respondent by recorded delivery.

### Hearing

6. The Applicants' agent referred me to the papers which had been lodged in support of the application, including the tenancy agreement and rent account.
7. She sought to amend the sum sued to £5025.64. I granted the amendment.
8. She advised that the current rent arrears were still £5,025.64. The Applicant advised that the Respondent had left the property on 23 March 2020. She advised that the rent arrears which had accrued have not been repaid. The last payment was £50 made on 12 December 2020.
9. The Respondent has been advised about the arrears. He had offered to make repayments towards the arrears but had failed to do so. Towards the end of the tenancy he advised the Applicant to take the matter to the tribunal. The Respondent has failed to make any payments towards the arrears despite requests to do so.
10. The Applicant advised that the arrears were still outstanding and she sought an order for payment.

### Findings in Fact

11. The Tribunal found the following facts to be established:
12. A tenancy agreement had been entered into between the Applicant and the Respondent.
13. The tenancy agreement was entered into on 5 October 2018.
14. Clause 8 in the tenancy agreement provided that monthly rent was £520 and was payable four weekly in advance. The first payment was due 2 October 2018.

15. The rental statement showed amounts due for each four week period, what had been paid and what was outstanding.
16. That rent due as at 24 February 2020 amounted to £5,025.64.
17. That it appeared that there had been no payments towards the rent arrears other than those shown on the rent statement.

### Reasons for Decision

18. Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from private residential tenancies. As this tenancy is a private residential tenancy I am content that I have jurisdiction to deal with this case.
19. There was no response or appearance from the Respondent but he had been notified of today's hearing.
20. The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondent has failed to do so. There was submitted a rental statement showing the arrears due and additional information provided today by the Applicant's agent was that there had been no payments towards the rent arrears.
21. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for.

### Decision

22. I grant an order in favour of the Applicant for FIVE THOUSAND AND TWENTY FIVE POUNDS SIXTY FOUR PENCE POUNDS (£5,025.64) STERLING against the Respondent.

## **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.**

Melanie Barbour

**Legal Member/Chair**

**Date 21/07/2020**