



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/20/1243

Re: Property at Flat 3/1 32 Cartside Street, Glasgow, G42 9TF (“the Property”)

Parties:

Mr Gerard Morris, 1 Haining Wynd, Muirhead, North Lanarkshire, G69 9FH (“the Applicant”)

Mr Gerard Doherty, Flat 3/1 32 Cartside Street, Glasgow, G42 9TF (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the amount of £1305, to be paid at the rate of £260 per month should be made.

Background

On 3rd June 2020 the Applicant lodged an application under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Procedure Rules”), seeking payment of rent arrears.

Lodged with the application were a copy of the Tenancy Agreement and a Rent Statement. The sum alleged to be due at the time the Application was lodged was £2425.

Case Management Discussion

A Case Management Discussion (“CMD”) took place by tele-conference on 21st August 2020. The Respondent’s representative sent an email to the Tribunal on 19th August 2020 seeking an adjournment as the Respondent was displaying signs of Covid 19. This email was not seen by the Tribunal Chairperson until the morning of the CMD. The CMD duly took place. The Applicant’s wife, Lesley Morris, represented him, and the Respondent represented himself. It was noted that he was coughing and sounded unwell.

Mrs Morris told the Tribunal that the balance currently outstanding was £1650, which had reduced from when the Application was made. The Respondent thought the sum due was £1575, and that he intended to clear the balance by the end of September.

The Chairperson decided to adjourn the CMD to a later date. This decision was made on a threefold basis:

1. The Respondent was clearly unwell and not fully able to take part;
2. The Applicant had not made an application to amend the sum sought;
3. The Respondent intended to clear the arrears before the next CMD.

On 16th September 2020 the Applicant sent an email to the Tribunal attaching an up to date rent statement.

Continued CMD

The continued CMD was held by tele-conference. The Applicant dialled in, and was represented by his wife, Lesley Morris. The Respondent also dialled in.

The Chairperson introduced everyone and explained the procedure to be followed. She confirmed that each person understood.

The Chairperson asked Mrs Morris to confirm the up to date position. She said that there had been some payments towards rent, and that a payment had been received the day before. The arrears now stood at £1305.

The Chairperson asked the Respondent if he accepted that the arrears were £1305, and he said that he did. He said that his rent was now being paid by Universal Credit, but that he could afford to pay £260 per month towards the arrears until they were cleared. Mrs Morris confirmed that this would be an acceptable arrangement.

Findings In Fact

1. The parties entered in to a tenancy agreement in relation to the property;

2. The monthly rent was £525;
3. The sum due when the Application was raised was £2425;
4. The sum due as at today's date is £1305.

Reasons For Decision

The Respondent owes the Applicant the sum of £1305, and offered to pay at the rate of £260 per month.

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.

2ndOctober2020

Legal Member/Chair

Date