

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/21/1726

Re: Property at 97 Cardowan Road, Glasgow, G33 6AW (“the Property”)

Parties:

Miss Liz Ritchie, 17 Torr Road, Bishopbriggs, G64 1XH (“the Applicant”)

Miss Shereen Hopkirk, 97 Cardowan Road, Glasgow, G33 6AW (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND FOUR HUNDRED AND SIXTY-EIGHT POUNDS AND EIGHTY-FOUR PENCE (£1,468.84) STERLING

- Background
- 1. An application dated 19 July 2021 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion took place on 14 January 2022 by tele-conference. The Applicant was represented by their letting agent, Ms McNar of Western Lettings. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 2 December 2021. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.
3. The Applicant's representative moved for the order for payment to be granted in the reduced sum of £1,468.84. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £2,293.84. Since submitting the application, payments had been made and the deposit of £820 had been returned to the Applicant, reducing the level of arrears to £1,468.84.
4. The Tribunal noted that a Direction had been issued to the Applicant dated 19 November 2021 seeking two items of information: an updated rent statement and evidence of the Applicant's landlord registration. The Applicant's representative advised that she had no knowledge of the Direction having been received. She advised that the rent arrears had reduced and hence the lower sum was being sought, and that the Landlord's temporary registration number was 2SWQ9KBUX5K6E2VM. It was submitted that a temporary number is given by the Local Authority where a late renewal is being made, but the Applicant's Representative was unsure of the position.

- Findings in Fact

5. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 15 October 2019;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £625 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1,468.84.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £625 per month under Clause 8 of the Agreement and had failed to do so. She had accrued arrears amounting to £1,468.84 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of ONE THOUSAND FOUR HUNDRED AND SIXTY-EIGHT POUNDS
AND EIGHTY-FOUR PENCE (£1,468.84) STERLING

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.

14th January 2022

Legal Member/Chair

Date