

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/21/1818

Re: Property at 34 Muirsketh Road, Glasgow, G43 2JY (“the Property”)

Parties:

Miss Noreen McGeady, 4 Torburn Avenue, Giffnock, G46 7QZ (“the Applicant”)

Miss Cassie Lough, Flat 0/2, 67 Westmoreland Street, Govanhill, G42 8LJ (“the Respondent”)

Tribunal Members:

Karen Moore (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 for FOUR THOUSAND SIX HUNDRED AND SIXTY POUNDS (£4,660.00) STERLING be granted.

Background

1. By application dated between 29 July 2021 and 11 August 2021 (“the Application”), the Applicant applied to the Tribunal for an Order requiring the Respondent to pay rent amounting to £4,660.00 due by her in terms of a tenancy at the Property. The Application comprised a copy of the tenancy agreement, a statement of rent due and owing and copy text messages between the Parties. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 4 October 2021 at 14.00 by telephone conference.

Case Management Discussions

2. The CMD took place on 4 October 2021 at 14.00 by telephone. Both Parties took part. The Respondent accepted that rent amounting to £4,660.00 is due and owing. Following discussion between the Parties in respect of a payment plan and Time to Pay, it was agreed by the Parties that Ms McGeady would be agreeable to a Time to Pay application at the rate of £100.00 per month and that Ms. Lough would make the Time to Pay application on that basis. The CMD was adjourned on that basis.

3. The adjourned CMD took place on 16 November 2021 at 14.00 by telephone. Only the Applicant took part. The Tribunal noted that the Respondent had failed to submit a Time to Pay application. The Applicant advised the Tribunal that no payments had been made by the Respondent and confirmed that the sum of £4,660.00 remains due and owing.

Findings in Fact

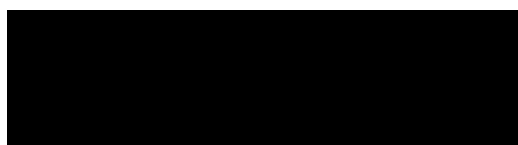
4. From the Application and the CMDs, the Tribunal made the following findings in fact:-
 - i) There had been a tenancy of the Property between the Parties which ended on 25 July 2021;
 - ii) The Respondent accrued rent arrears of £4,660.00 which sum remains unpaid and due and owing to the Applicant.

Decision and Reasons for Decision

5. Having found the sum sought is due and owing, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment in the sum of £4,660.00

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.



Legal Member/Chair

16 November 2021
Date