

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 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2039

Re: Property at 194 Kings Park Avenue, Glasgow, G44 4JF (“the Property”)

Parties:

Ms Shona Pew, 50 Blieacre Drive, Wemyss Bay, Wemyss Bay, PA18 6HA (“the Applicant”)

Ms Siobhan Melaugh, Mr Gerald Melaugh, 194 Kings Park Avenue, Glasgow, G44 4JF; Flat 1/2, 92 Arden Craig Road, Glasgow, G45 0EU (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment order be made against the respondents in the sum of Two Thousand Eight Hundred and Thirty Five Pounds (£2,835)

Introduction

This is an application under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

The applicant seeks a Payment Order in respect of rent arrears arising under the terms of the lease between the parties.

An initial Case Management Discussion (CMD) took place on 14 January 2022. The proceedings had not been served upon the first respondent Mr Gerald Melaugh and consideration of the application was continued to a fresh CMD which took place by teleconference on 7 March 2022 at 10am.

The applicant was represented by Ms Catherine Bruce and Ms Dayna Greeney, both of DJ Alexander Lettings Limited. The first respondent Mr Gerald Melaugh failed to

participate. The second respondent Ms Siobhan Melaugh was represented by Ms Maureen Smith of Castlemilk Law Centre, Glasgow.

Findings and reasons

The property is 194 King's Park Avenue, Glasgow G44 4JF.

The applicant is Ms Shona Pew. She is the landlord. The respondents are Mr Gerald Melaugh and Ms Siobhan Melaugh. They are the former tenants.

The parties entered into a private residential tenancy which commenced on 29 November 2019. The rent was fixed at £945 each month.

The application is accompanied by a rent statement, which discloses that the monthly rent of £945 was not paid on 29 May 2021, 29 June 2021 and 29 July 2021. The total outstanding arrears over these months amounts to £2,835. The rent statement is a credible and reliable document which has not been challenged. The Tribunal attached weight to this documentary evidence.

The applicant is entitled to recover arrears of rent legally due under the terms of the lease.

The first respondent has not challenged the application. The second respondent admits the claim and had made a time to pay application in which she sought to repay the total sum at the rate of £1 per week. The applicant objected to the time to pay application on the grounds that it would take too long for the respondent to clear the debt. At this rate the sum would take 133 years to pay off. Following discussion at the earlier CMD this time to pay application was withdrawn.

A payment order in the sum sought of £2,835 is justified and necessary. This is a joint and several order made against both respondents equally.

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.

R Mill

7 March 2022

Legal Member/Chair

Date