



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

Chamber Ref: FTS/HPC/CV/21/2406

Re: Property at 23 Rothsey Crescent, Coatbridge, ML5 4JP (“the Property”)

Parties:

Mr Anil Pabla, 88E Drummore Avenue, Coatbridge, ML5 4BZ (“the Applicant”)

Ms Leilah Jamil, 23 Rothsey Crescent, Coatbridge, ML5 4JP (“the Respondent”)

Tribunal Member:

Josephine Bonnar (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £1348 should be granted against the Respondent in favour of the Applicant.

Background

1. By application dated 4 October 2021, the Applicant seeks a payment order in relation to arrears of rent. A copy private residential tenancy agreement and rent statement were lodged in support of the application.
2. A copy of the application was served on the Respondent by Sheriff Officer on 5 November 2021. Both parties were advised that a case management discussion (“CMD”) would take place by telephone conference call on 10 December 2021 at 2pm. On 26 November 2021, the Applicant lodged an updated rent account and a request to amend the application to reflect the increased rent arrears of £1631. The Applicant also lodged written representations with a report from Rainbow International restoration and copies of text messages with the Respondent. The submissions and report indicate

that the Respondent had reported mould at the property. Rainbow International restoration were instructed to investigate and carry out remedial work. Floor coverings were also replaced. The text messages appear to indicate that rent is being withheld.

3. The CMD took place on 10 December 2021. The Applicant was represented by his cousin, Mr Singh. The Respondent did not participate and was not represented. She did not contact the Tribunal in advance of the CMD or lodge written representations.

Case Management Discussion

4. Mr Singh advised the Legal Member that the Respondent remains in occupation of the property and that a payment order is sought for the arrears. He said that there has been no recent contact from the Respondent and no payments to the rent account since the updated statement was lodged.
5. The Tribunal noted that the rent statement includes a rent charge of £500 due on 28 November 2021. The tenancy agreement indicates that rent is payable in advance. It therefore appears that the rent due on 28 November 2021 relates to the period from 28 November until 27 December and therefore includes future rent. Following discussion, Mr Singh conceded that this was the case and confirmed that he would seek a payment order for the reduced sum of £1348, being the rent due up to and including 10 December 2021.
6. The Tribunal noted that the updated statement includes a rent credit for the period 16 to 24 September 2021. Mr Singh advised that this was applied due to the inconvenience experienced by the Respondent during the remedial work which was carried out. He referred the Legal Member to the text messages lodged by the Applicant which indicate that rent is being withheld.

Findings in Fact

7. The Applicant is the owner and landlord of the property.
8. The Respondent is tenant of the property in terms of a private residential tenancy agreement.
9. In terms of the tenancy agreement, the Respondent is due to pay rent at the rate of £500 per month.
10. The Respondent owes the sum of £1348 in unpaid rent to the Applicant.

Reasons for Decision

11. The application was submitted with a private residential tenancy agreement and a rent statement. In terms of the tenancy agreement, rent is due to be paid at the rate of £500 per month. The rent account went into arrears on 11 May 2021. At that point the sum owed was £279. No rent has been paid since the 6 September 2021 and the current sum outstanding is £1348.
12. The Legal Member noted that although the Applicant has submitted a text message sent to him from the Respondent which indicates that rent is being withheld, the Respondent has not notified the Tribunal that she disputes the application. She has not provided any information or evidence to suggest that the rent specified in the tenancy agreement is not due to be paid. She did not participate in the CMD. In the absence of any stated defence to the application, the Legal Member is satisfied that the Applicant has established that the rent is due and that he is entitled to a payment order for the arrears of rent.

Decision

13. The Tribunal determines that an order for payment for the sum of £1348 should be granted in favour of the Applicant.

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: Josephine Bonnar

Date: 10th December 2021

