



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/22/0110

Re: Property at 0/3 1 Centurion Way, Glasgow, G3 8NT (“the Property”)

Parties:

Partick Works Ltd, 10 Mansfield Street, Glasgow, G11 5QP (“the Applicant”)

Mr Alan Murray, 73 Millersneuk Crescent, Glasgow, G33 6PA (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment of £8917.56 (EIGHT THOUSAND NINE HUNDRED AND SEVENTEEN POUNDS AND FIFTY SIX PENCE).

1. An application was received by the Housing and Property Chamber dated 14th January 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 22nd February 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 7th April 2022 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 15th March 2022.
3. On 23rd February 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent personally in the hands

of his partner Jacqueline Rodger. This was evidenced by Certificate of Citation dated 23rd February 2022.

4. On 9th February 2022, the Applicant wrote to the Housing and Property Chamber with an updated rent account intimating that the figure now sought was £9592.34. The rent account was for the period 21st October 2020 to 2nd February 2022.

The Case Management Discussion

5. A CMD was held 7th April 2022 at 2pm by teleconferencing. The Applicant was represented by Ms Sarah Smith, Property Services Assistant, Patrick Works. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
6. Ms Smith told the Tribunal that they had now received the full deposit of £674.78 from Safe Deposit Scotland. This has reduced the outstanding balance to £8917.56. The last contact she had from the Respondent was on 25th February 2022 when he text with his new address. There was no offer of payment. The Respondent moved out of the Property on 9th February 2022 which was an agreed period after his 6 month notice period had ended. Ms Smith stated that the flat was in an immaculate condition when he left. However, he had not paid any rent since December 2020. She had spoken to him in January 2021. He had said that he would make up the payments but did not do so. At that point he had told her that he had been out of work over the Christmas period. Ms Smith had offered him the support of the money advisors that are employed by the Applicant. She had also offered to assist him with guiding him to other organisations that could help with money advice and benefits. The Respondent did not respond to the offer of assistance. She had followed the Pre Action Requirement when issuing the Notice to Leave. Ms Smith had written regularly with offers of money advice. She did not know of any outstanding Universal Credit/Housing Benefit issues. When the Respondent left the Property he had told her that he had buried his head in the sand. The Respondent told Ms Smith, on that day, that he had not opened any of her letters. Ms Smith was not aware of any issues of reasonableness. The Respondent is believed to be working.
7. The Tribunal was satisfied that the outstanding amount for £8917.56 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 21st October 2020.
9. The Respondent persistently failed to pay his rent charge of initially £674.78 per month then £688 per month. The rent payments are due to be paid on 1st day of each month.

10. There are now no outstanding Housing Benefit issues.

11. There are no issues of reasonableness.

12. The arrears sought total £8917.56.

Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £8917.56.

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.

G. Miller

7th April 2022

Legal Member/Chair

Date