

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 16 of the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/EV/18/3373

Re: Property at 177 Titwood Road, Glasgow, G41 4BL (“the Property”)

Parties:

Mr Waqar Ahmad, Mrs Afshan Ahmad, C/O The Property Store (GB) LTD, 111 Albert Drive, Glasgow, G41 2SU; C/O The Property Store, 111 Albert Drive, Glasgow, G41 2SU (“the Applicant”)

Mr Lawrence Reilly, 177 Titwood Road, Glasgow, G41 4BL (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant of the sum of SIX HUNDRED AND TWENTY EIGHT POUNDS AND FOUR PENCE (£628.04)

This is a case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014, ‘the Act’. The tribunal is holding a joint CMD in connection with a second application in terms of rule 66 of the rules. The tribunal had before it the following copy documents:

1. Application dated 10 December 2018 and received by the tribunal on 11 December 2018.
2. Tenancy agreement.
3. Rent statement with rent arrears at 23 December 2018.

4. Land certificate.
5. Execution of service of application and notification of CMD by sheriff officer on 16 January 2019.

Discussion

Mr Michael Ritchie solicitor attended the CMD as the applicants' legal representative. The respondent did not attend and was not represented. Mr Ritchie produced and up to date rent statement with rent arrears as at the 23 February 2019. The tribunal noted that the rent arrears as at the 23 December 2018 have reduced to £628.04. Mr Ritchie invited the tribunal to make an order for rent arrears outstanding at 23 February 2019 in the sum of £2628.04.

Findings in fact and law

1. The applicants are the owners of the property at 177 Titwood Road Glasgow G41 4BL, 'the property'.
2. The first named applicant entered into a tenancy agreement with the respondent on 24 September 2014 for the let of the property for the initial period of 6 months from 24 September 2014 until 24 March 2015 and thereafter month to month.
3. The monthly rent payable was £1100.
4. Rent arrears accrued from 24 August 2018 until 23 December 2018 totalling £3753.04.
5. The respondent has reduced the rent arrears and the sum of £628.04 remains outstanding for rent owed to 23 December 2018.

Reasons

This is an undefended application to recover rent arrears. The tribunal is satisfied that the respondent has received appropriate notification of the application and today's CMD in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29 in the absence of the respondent. The tribunal is satisfied that it has sufficient information before it to day to make a decision and is satisfied that the procedure has been fair. The tribunal considered the terms of the application and the updated rent account lodged today. The application seeks payment of the sum of £3753.04 in respect of rent arrears to December 2018. The up to date account lodged today shows that the rent arrears have been reduced and as at 23 December 2018 the

sum of £628.04 is outstanding. The current arrears as at 23 February 2019 are calculated at £2628.04. The tribunal was not minded to grant an order for further sums that have accrued since 23 December 2018 as this is not provided for in the application. In any event the rent statement lodged today is has arrears calculated until 23 February 2019 which is 3 weeks away. The tribunal accordingly granted an order for £628.04 which is the amount of rent arrears owing as at 23 December 2018.

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.

Lesley Ward

4 February 2019

Lesley A Ward Legal Member

Date