

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 Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“ the Regulations”)

Chamber Ref: FTS/HPC/CV/18/1737

Re: Property at 6 Ardargie Grove, Glasgow, G32 8NZ (“the Property”)

Parties:

Mr Balraj Singh Dhami, c/o Regent Property, 234 West Regent Street, Glasgow, G2 4DQ (“the Applicant”)

Miss Asha Devine, 6 Ardargie Grove, Glasgow, G32 8NZ (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of Two thousand nine hundred and sixty four pounds (£2964.00) should be made in favour of the Applicant.

Background

1. By application received on 10 July 2018 the Applicant applied to the First tier Tribunal for Scotland Housing and Property Chamber for a payment order against the Respondent. The Applicant stated that the Respondent owed the sum of £2964.00 in unpaid rent for the period 1 January 2017 to 1 July 2018. A copy of the tenancy agreement stipulating a monthly rent charge of £495 and a rent statement were lodged with the application.
2. On 30 August 2018 a copy of the application and supporting documentation were served on the Respondent by Sheriff Officer together with a letter notifying the Respondent that a case management discussion (CMD) would

take place on 14 September 2018 at 10am.

3. The case called before the Legal Member for a CMD on 14 September 2018. The Applicant was represented by Ms Kirsty Morrison. There was no appearance by or on behalf of the Respondent. No written representations were received from the Respondent in advance of the CMD.

Case Management Discussion

4. The Legal Member noted that the Respondent had been served with a copy of the application and been made aware of the CMD. Ms Morrison confirmed that neither the Applicant nor his representatives have had any contact from the Respondent. She also advised that since the lodging the application the rent arrears have increased to £3954.
5. The Legal Member proceeded to consider the application

Findings in Fact

6. The Applicant is the joint owner of the property.
7. By agreement dated 19 November 2016 the Applicant and Respondent entered into a short assured tenancy agreement in relation to the property. In terms of that agreement the Respondent is due to pay the sum of £495 per calendar month in rent to the Applicant.
8. The Respondent has incurred arrears of rent in the sum of £2964.00 as at 1 July 2018.
9. The sum of £2964.00 is due and owing to the Applicant

Reasons for Decision

10. The Legal Member considered the application, supporting documents and representations made by the Applicant's representative at the CMD. The Legal member also noted that the Respondent has failed to attend or lodge representations disputing the debt. The Legal Member is therefore satisfied that the sum claimed is due and that an order for payment should be made in the sum claimed.

Decision

11. The Tribunal determines that an order for payment of the sum of £2964.00 should be made 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.

Josephine Bonnar

Josephine Bonnar, Legal Member/Chair

14 September 2018