



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/23/2644

Re: Property at 2/2 15 Victoria Road, Glasgow, G42 7AB (“the Property”)

Parties:

Mrs Taharah Shahid, 1 Blackwood Gardens, Dunfermline, KY11 8TL (“the Applicant”)

Miss Florentina Roibu, 2/2 15 Victoria Road, Glasgow, G42 7AB (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £12,310.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 22 August 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 24 August 2023. Letters were issued on 21 September 2023 informing both parties that a CMD had been assigned for 30 October 2023 at 11.30am, which

was to take place by conference call. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 12 October 2023. No representations were received by the Tribunal.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr Imran Haq. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant's representative explained that the Respondent has failed to make any payment of rent since April 2022. The Respondent still resides in the property. The Applicant's representative has been sending emails to the Respondent requesting payment and suggesting a repayment plan, but the Respondent has failed to respond. The rent arrears have increased to £13,360 since the application was made.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 4 May 2021.
6. The Respondent was obliged to pay rent at the rate of £525 per month, payable in advance.
7. The Respondent incurred rent arrears of £12,310 up to August 2023.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the discussion. The Applicant lodged a rent statement in support of the application. There was nothing to indicate that the Respondent disputed the accuracy of the rent statement. The Tribunal explained that although rent arrears have increased since the application was made, the Respondent only has notice that the sum sought was £12,310. The Tribunal was satisfied that the Respondent owes the Applicant £12,310 and accordingly an order for payment was granted in that sum.

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.



30 October 2023

Date