



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/23/2659

Re: Property at 88 Drumcross Road, Glasgow, G53 5LN (“the Property”)

Parties:

Ms Georgina Gallacher, 23 Craigsheen Avenue, Carmunock, G76 9AG (“the Applicant”)

Mr Chris Shepherd, 88 Drumcross Road, Glasgow, G53 5LN (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of FIVE THOUSAND EIGHT HUNDRED AND FORTY FIVE POUNDS (£5845.00) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

- 1. This is an action for recovery of rent arrears of £6935 raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**
- 2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 17 March 2022, a letter dated 4 July 2023 and a rent statement.**

3. On 24 August 2023, the Tribunal accepted the application under Rule 9 of the Regulations 2017.
4. On 4 October 2023 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 25 October 2023. The Tribunal advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 8 November 2023. This paperwork was served on the Respondent by Stuart Sinclair, Sheriff Officer, Glasgow on 9 October 2023 and the Execution of Service was received by the Tribunal administration.

Case Management Discussion

5. The Tribunal proceeded with a CMD on 8 November 2023 by way of teleconference. Ms Brown from Complete Clarity Solicitors & Simplicity Legal appeared for the Applicant. Mr Shepherd the Respondent appeared on his own behalf. The action was heard together with an action for recovery of possession based on substantial rent arrears under reference FTS/HPC/EV/23/2657.
6. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 17 March 2022, a rent statement and a letter dated 4 July 2023. The Tribunal considered these documents.
7. Ms Brown submitted the Respondent was in substantial arrears of over six months and moved the Tribunal to grant an Order for payment of £6935. On being questioned by the Tribunal she could not confirm the current level of arrears as she did not have an up to date rent statement.
8. Mr Shepherd disputed arrears were £6935. He submitted there were discrepancies in the rent statements he had been provided with. He had paid £1000 per month from April 2023, being £795 rent and £205 towards the arrears. He submitted he had paid £1435 towards the arrears since April. He calculated the arrears stood at £5845. Ms Brown was not in a position to challenge that figure.

Reasons for Decision

9. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and rent statement. Further the Tribunal considered the submissions made by both parties. Ms Brown could not confirm the current level of arrears. The Tribunal preferred the submissions of the Respondent who it appeared had been through the various rent statements he had been provided with and had identified discrepancies in them. The Tribunal accepted that he had calculated the arrears to be correctly stated at £5845. The Respondent accepted that was the figure due to the Applicant. The Tribunal was satisfied on the basis of the documents lodged, together with the parties’ submissions that an order for payment in favour of the Applicant be granted.

Decision

10. The Tribunal granted an order for payment of £5845 in favour of the Applicant.
The decision of the Tribunal was unanimous.

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.

Shirley Evans

8 November 2023

Legal Chair

Date