



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/23/2132

Property at 8 Tiree Road, Cumbernauld, G67 1NU (“the Property”)

Parties:

Parrington Property Ltd, 1 Cambuslang Court, Cambuslang, Glasgow, G32 8FH (“the Applicant”)

Miss Robyn McInnes, 8 Tiree Road, Cumbernauld, G67 1NU (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order should be granted for the sum of £5653.61

Background

1. The Applicant seeks an order for payment in relation to unpaid rent. A tenancy agreement, rent statement, and correspondence with the Respondent were lodged in support of the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. Both parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 11 October 2023 and that they were required to participate. The Applicant was represented by their letting agent, Mr Turner. The Respondent did not participate. The Applicant made a request to amend the application as the rent arrears had increased. The Tribunal refused the request as it had not been made in advance of the CMD, as required by the Procedure Rules. At the request of the Applicant, the CMD was continued to allow an updated rent statement to be lodged and so that it could be heard

alongside a related eviction application.

3. A further CMD was arranged for 30 November 2023 at 10am. Prior to the CMD the Applicant lodged an updated rent statement showing a balance due of £5653.61 on 3 November 2023.
4. The CMD took place on 30 November 2023. The Applicant was represented by their letting agent, Mr Turner. The Respondent did not participate.

The CMD

5. The Tribunal advised Mr Turner that the recorded delivery letter sent to the Respondent with the date of the CMD had been returned by Royal Mail. However, as the Respondent had been notified of the date of the CMD by Sheriff Officer service in relation to the related eviction action, the Tribunal was satisfied that the CMD could proceed. The Tribunal noted that other correspondence had been sent to the Respondent following the previous CMD and that she had failed to participate or contact the Tribunal regarding either case.
6. Mr Turner told the Tribunal that the Respondent is still in occupation of the property. The last contact with her was on 3 November 2023, when she notified the agency that she had made a payment of £250. Mr Turner stated that the Respondent previously lived at the property alone, but a friend has recently moved in. There are no children living there. To the best of his knowledge the Respondent is in employment, working in a nail salon. He is not aware of her being in receipt of benefits at any point during the tenancy and she has no health issues or disabilities to his knowledge. There has been very little contact from her recently. About six months ago, she made several promises to address the arrears and stated that these had been caused by changing job and a delay in being paid. No evidence was provided to support this.
7. Mr Turner advised the Tribunal that the Applicant is a limited company and owns one other property, also managed by his agency. The director of the company also owns other rental properties. The rent arrears have caused some financial stress. He understands that the Applicant intends to re-let the property. He confirmed that no further payments have been made to the rent account since the payment of £250 on 3 November 2023.

Findings in Fact

8. The Applicant is the owner and landlord of the property.
9. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
10. The Respondent is due to pay rent at the rate of £643.75 per month.

11. The Respondent has been in arrears of rent since 15 March 2022 and made no payments to the rent account between 26 June and 3 November 2023.
12. The Respondent currently owes the sum of £5653.61 in unpaid rent.

Reasons for Decision

13. From the documents lodged and the information provided at the CMD, the Tribunal is satisfied that the Respondent owes the sum of £5653.61 in unpaid rent and that the Applicant is entitled to a payment order for this sum.

Decision

14. The Tribunal determines that an order for payment should be granted against the Respondent.

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, Legal Member

30 November 2023

J Bonnar