



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/3582

Re: Property at 46 Underwood Lane, Paisley, PA1 2SL (“the Property”)

Parties:

Badesha Properties Limited, 10 Well Street, Paisley, PA1 2SP (“the Applicant”)

Miss Aimee McLean, 46 Underwood Lane, Paisley, PA1 2SL (“the Respondent”)

Tribunal Members:

Ruth O’Hare (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order in the sum of £3375

Background

- 1 By application to the Tribunal the Applicant sought an eviction order against the Respondent in respect of the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). In support of the application the Applicant provided the following documentation:-
 - (i) Private Residential Tenancy Agreement between the parties dated 19 November 2020 which commenced on that same date; and
 - (ii) Rent Statement.
- 2 By Notice of Acceptance of Application dated 31 October 2023 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned to take place by teleconference. A copy of

the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

- 3 The Applicant subsequently submitted an updated rent statement to the Tribunal by email dated 24 January 2024 confirming arrears of £4955 as at 19 January 2024. The Respondent was advised of the requirements under Rule 14A of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 which required any request for amendment of the sum sought to be intimated to the Tribunal and the Respondent at least fourteen days prior to the Case Management Discussion.

Case Management Discussion

- 4 The Applicant was represented at the Case Management Discussion by Mr Ian Troy of Pennylane Homes. The Respondent was present and accompanied by her mother as a supporter. The Tribunal was satisfied that the requirements of giving notice had been duly complied with, and proceeded with the application in terms of Rules 17 and 29 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.
- 5 Mr Troy confirmed that the Applicant sought an order in the sum of £3375. He clarified that the Applicant was not seeking to amend the application to reflect the current balance of arrears. He narrated the tenancy history, citing payment plans that had been entered into with the Respondent but not adhered to.
- 6 The Respondent confirmed that she accepted the level of arrears. She was willing to make payments over and above her rent, offering £200 per month. She was in employment, earning approximately £250 per week and she was also in receipt of universal credit. Mr Troy advised that the Applicant would not be willing to enter into any further payment plans, based on the Respondent's previous failure to maintain same.

Findings in Fact and Law

- 7 The parties entered into a Private Residential Tenancy Agreement dated 19 November 2020.
- 8 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 9 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £450 per calendar month.
- 10 As at 2 October 2023 arrears in the sum of £3375 were outstanding.

- 11 Despite requests from the Applicant the Respondent has refused or delayed in making payments of the rent due.

Reasons for Decision

- 12 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. It was clear that there were no matters in dispute that would require a hearing to be fixed. The Respondent had been given the opportunity to make written representations and attend the Case Management Discussion but had failed to do either.
- 13 The Tribunal accepted based on its findings in fact that the Respondent was liable to pay the Applicant the sum of £3375, based on her obligations under the terms of the tenancy agreement between the parties. She had not disputed that the sum was due. Whilst she had made an offer of payment, this had not been by way of a formal time to pay application and the Tribunal accepted that similar offers had been made in the past and not adhered to. The Tribunal therefore concluded that the Applicant was entitled to an order for payment in full of the sum sought.
- 14 The Tribunal therefore made an order for payment in the sum of £3375. 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.

Ruth O'Hare

30 January 2024

Legal Member/Chair

Date