



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014.**

**Chamber Ref: FTS/HPC/CV/24/0308**

**Re: Property at 1/2 2 Crawford Street, Port Glasgow, PA14 5EL (“the Property”)**

**Parties:**

**Mr Fergus Adams, 27 Albert Drive, Rutherglen, Glasgow, G73 3RT (“the Applicant”)**

**Ms Bernadette Lang, 1/2 2 Crawford Street, Port Glasgow, PA14 5EL (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

**Decision (in absence of the Respondent)**

**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 SEVEN THOUSAND FOUR HUNDRED POUNDS (£7400.00) 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 raised in terms of Rule 70 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 Short Assured tenancy dated 18 September 2017, an AT5 dated 15 September 2027 and a rent statement to 19 January 2024.
3. On 17 April 2024, the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17

of the Regulations would proceed on 29 May 2024. The Respondent required to lodge written submissions by 8 May 2024. This paperwork was served on the Respondent by Chelsea Murray, Sheriff Officer, Glasgow on 18 April 2024 and the Execution of Service was received by the Tribunal administration.

4. On 18 April 2024 the Applicant's agent sent the Tribunal an application to amend the arrears to £7400 with an up to date rent statement. The Applicant believed the Respondent was in receipt of housing benefit. The Respondent was copied in on this email.

### **Case Management Discussion**

5. The Tribunal proceeded with the CMD on 29 May 2024 by way of teleconference. The Applicant was represented by Mr Gisbey from Homefinders Inverclyde Ltd. There was no appearance by or on behalf of the Respondent despite the teleconference starting 5 minutes late. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence.
6. The Tribunal had before it the Short Assured tenancy dated 18 September 2017, AT5 dated 15 September 2027 and the rent statement to 18 April 2024. The Tribunal noted the terms of these documents.
7. Mr Gisbey submitted arrears were increasing and currently amounted to £7850. There had been no payment since September 2023. The arrears first arose some time ago and have steadily increased. He explained the Respondent had contacted him a few days ago to advise she was giving up the tenancy. He moved that an order for payment be granted.

### **Findings in Fact**

8. The Applicant entered into a Short Assured Tenancy Agreement with the Respondent dated 15 September 2017 and commencing 18 September 2017.
9. In terms of Clause 5 of the Short Assured Tenancy Agreement the Respondent agreed to pay rent of £450 per month. The rent remains at £450 per month.
10. The Respondent is in arrears of rent of £7850 to 29 May 2024. The last payment to rent was of £450 on 19 September 2023.

### **Reasons for Decision**

11. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Ms Gisbey.
12. The Tribunal considered the Applicant's application to increase the sum of the arrears to £7400. The Tribunal noted this had been properly intimated on the Respondent. Arrears continue to arise. The Tribunal allowed the amendment.
13. The Tribunal noted terms of the tenancy agreement and the rent statement lodged which set out how the arrears had arisen and showed the total arrears to 18 April 2024 of £7400. Nothing had been paid by the Respondent since 19 September 2023. The Applicant had produced evidence of persistent non-payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Mr Gisbey's submissions that the order for payment in favour of the Applicant be granted for the increased sum of £7400.

### **Decision**

14. The Tribunal granted an order for payment of £7400.

### **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

Legal Member

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29 May 2024

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Date