



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Reference number: FTS/HPC/CV/24/0991

Order granted on 30 July 2024

Re: Property at 1/2, 4 Helenvale Square, Glasgow, G31 4BP (“the Property”)

Parties:

LAR Housing Trust, Buchan House, Enterprise WY, Dunfermline, KY11 8LP (“the Applicants”)

Jordan Abercromby residing at 1/2, 4 Helenvale Square, Glasgow, G31 4BP (“the Respondent”)

Tribunal Members:

**Paul Doyle (Legal Member)
Leslie Forrest (Ordinary member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

1. The Applicant sought an order for payment of rental arrears totalling £2,252.00. The Applicant had lodged with the Tribunal Form F. The Applicants lodged with the Tribunal Form E dated 29/02/2024. The documents produced were a Tenancy Agreement; a schedule of unpaid rent; a notice to leave served on 17/11/2023, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicants are the heritable proprietors of the Property.

Case Management Discussion

2. A case management discussion took place by telephone conference at 2.00pm on 30 July 2024. The applicants were represented by Ms N Breckeney, solicitor. The respondent was neither present nor represented. The case file discloses that the respondent has had timeous intimation of the date, time, and method of joining the hearing. No application is made for an adjournment. We can justly determine this case in absence of the respondent.

Findings in Fact

3. The Tribunal made the following findings in fact:

(i) The Applicants and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 14/12/2021.

(ii) The rent in terms of the Tenancy Agreement was £550.00 per month. That rental increased to £583.50 per month.

(iii) Since February 2023 the respondent had not paid any rental. At the date of application there were arrears of rent totalling £2,252. At today's date there are arrears of rental totalling £5,169.50. The respondent has consistently been in arrears of rent for more than three consecutive months since May 2023.

(iv) The respondent remains in the property, where he lives alone.

(v) The respondent does not resist the application for repossession.

(vi) On 17/11/2023 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. A section 11 notice was served on both the respondent and the local authority by the applicant. On 29/02/2023, the applicants submitted an application to the tribunal.

4. The applicant wants to amend the sum claimed by increasing the sum applied for from £2,252.00 to £5,169.50 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.

5. The sum applied for is increased to £5,169.50 to properly reflect the amount the respondent owes the applicants in arrears of rental.

Reasons for Decision

6. The respondent offers no resistance to the application for a payment order. On the facts as we find them to be, the respondent owes the applicant £5,169.50 in unpaid rental.

7. For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Paul Doyle
Legal Member

30 July 2024