



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/24/0760

Re: Property at 1/2, 2 Merlin Way, Glasgow, G77 6ZH (“the Property”)

Parties:

Rothsay Life PLC, The Post Building, 100 Museum Street, London, WC1A 1PB (“the Applicant”)

Ms Denise Khalid, 1/2, 2 Merlin Way, Glasgow, G77 6ZH (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

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 lodged an application on 15th July 2021 under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy Agreement showing a commencement date of 6th July 2022 and a rent of £630.53 per month;
 - b. Rent Statement showing arrears of £11349.54 as at 15th February 2024;
 - c. Assignment of Arrears between Pace Trustees Limited and Rothsay Life plc dated 12th April 2024 and including the property.
3. The Application was served on the Respondent by Sheriff Officers on 19th August 2024.

4. On 23rd August 2024 the applicant's solicitor lodged an up to date rent statement showing arrears as at 6th August 2024 of £15857.50 and moving to amend the sum sued for to that amount

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss Callaghan of TC Young, Solicitors. The Respondent did not attend and was not represented.
6. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
7. Mr Callaghan asked that an order be granted for payment, in the amount of £15857.50, being the sum due as shown on the up-to-date rent statement.

Findings in Fact

- a. The Respondent entered into a Private Residential Tenancy Agreement in respect of the property with Pace Trustees Ltd;
- b. The tenancy commenced on 6th June 2022;
- c. The monthly rent was £630.53 rising to £649.44 from 6th April 2024;
- d. Pace Trustees Ltd sold the property to Rothesay Life plc in December 2023
- e. At the time the Notice to Leave was served the arrears were £9457.95;
- f. At the time the application was lodged they were £11349.54;
- g. As at 6th August 2024 the arrears were £15857.50.

Reasons for Decision


8. The Respondent owes rent to the Applicant as at 6th August 2024 in the amount of £15857.50.

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.

Alison Kelly

Legal Member/Chair 

19 September 2024

Date