

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/19/1327

Re: Property at Flat 0/1, 36 Brockburn Road, Glasgow, G53 5JX (“the Property”)

Parties:

Miss Mylan Liu, 16 Stamperland Hill, Glasgow, G76 8AF (“the Applicant”)

Mr David Anthony Fletcher, Flat 0/1, Brockburn Road, Glasgow, G53 5JX (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order be granted for TWO THOUSAND FIVE HUNDRED POUNDS (£2,500.00), the Respondent be permitted to make a Time to Application and is directed to lodge the Application within 14 days of today’s date.

1. By application received on 2 May 2019 (“the Application”), the Applicant, made an application dated 27 March 2019 to the Tribunal for a possession order in terms of Section 51 of the Act and for a payment order in terms of Rule 70 of the Rules. A copy of the tenancy agreement and a partial statement of rent paid was lodged as part of the Application.
2. On 14 May 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 26 June 2019 at 14.00 at The Glasgow Tribunals Centre, Room 112, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to all parties.
3. The Respondent made no written representations to the Tribunal in respect of the Application.

Case Management Discussion

4. The CMD took place on 26 June 2019 at 14.00 at the said Glasgow Tribunals Centre. Both Applicant and Respondent were present and unrepresented.
5. The Applicant advised me that she sought an Order for payment of rent due to 14 May 2019 being £2,500.00, further rent due and costs and damages. I explained to the Applicant that I could not grant an Order for future sums which might or not become due but would be prepared to grant an Order for the sum of £2,500.00 as stated in the Application as served on the Respondent.
6. The Respondent confirmed he was due and owing to the Applicant for the sum of at least £2,500.00 and that he agreed to the Order being granted.
7. I asked the Respondent if he was in a position to make payment and he indicated that he was not and that he would require time to pay.

Findings of Facts.

8. From the Application and the CMD, I accepted that the sum of £2,500.00 is due and owing to the Applicant by the Respondent.

Decision, Reasons for Decision and Direction

9. Having found that the sum of £2,500.00 is due and owing to the Applicant by the Respondent, I determined to grant an Order for this sum.
10. As he indicated that he would require time to pay, the Respondent was provided with a Time to Pay Application and directed in terms of Rule 16 of the Rules that he should make the application within 14 days of today's date.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Karen Moore

Legal Member/Chair

26 June 2019

Date