

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/19/1347

Re: Property at 2 Kelvin Drive, Airdrie, ML6 6HT (“the Property”)

Parties:

Ms Marjory Ofoegbu, 43 Greenoakhill Gate, Uddingston, G71 7PR (“the Applicant”)

Ms Sara-Jane Murchie, 2 Kelvin Drive, Airdrie, ML6 6HT (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of TWO THOUSAND POUNDS (£2000) STERLING

An application was submitted by the Applicant under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) dated 30 April 2019. The Application sought payment in the sum of £1,010 against the Respondent in respect of rent arrears accrued under a Private Residential Tenancy Agreement.

A Hearing took place on 1 July 2019. The Applicant was represented by Ms Caldwell of TC Young solicitors. There was no appearance by or on behalf of the Respondent. The Tribunal was satisfied that the application had been intimated on the Respondent by way of Sheriff Officers on 29 May 2019. The Tribunal was satisfied that the Hearing could accordingly proceed in the Respondent’s absence.

An application had been made by the Applicant under section 14A of the Rules, seeking to increase the sum sought to £2,000. An updated rent statement was produced at the Hearing showing that no further payments had been made since the application was submitted and the arrears stood at £2,000.

The Tribunal made the following findings in fact:

1. ~~The parties entered into a Private Residential Tenancy Agreement ("PRT") which commenced 3 May 2018;~~
2. In terms of Clause 8 of the said PRT the Respondent was obliged to pay a monthly rent of £495 to the Applicant;
3. The Respondent had failed to adhere to her rental payment obligations and the sum of £2,000 was outstanding at the date of the Hearing

Decision

The Tribunal was satisfied that the Applicant was entitled to payment of the sum of £2000 by virtue of the PRT entered into with the Respondent. The Tribunal accordingly determined that an order should be granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of TWO THOUSAND POUNDS (£2000) STERLING

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.

Fiona Watson

Legal Member/Chair

Date

1/7/19.