



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/19/2288

Re: Property at 11 Wheatley Place, Glasgow, G32 7JQ (“the Property”)

Parties:

Mr Steve Michael Graham, t/a SMG Properties, 1 Boclair Brae, Glasgow, G61 2BF (“the Applicant”)

Miss Teresa Jackson, 11 Wheatley Place, Glasgow, G32 7JQ (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of two thousand three hundred and sixty eight pounds 76 pence (£2368.76).

This was a case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014, ‘the Act’ in respect of rent arrears for the property at 11 Wheatley Place Glasgow G32 7JQ, ‘the property’. A second application in terms of rule 65 for eviction was held at the same time.

Miss Diamond of Easylet and Maintenance attended the CMD on behalf of Mr Graham the owner of the property. The respondent did not attend and was not represented.

The tribunal had sight of the sheriff officer's execution of service dated 16 August 2019 which confirmed that the papers were left in the hands of the respondent's mother on that date. The tribunal was satisfied that the respondent had received appropriate notification of the application and CMD in terms of rule 24 and proceeded with the CMD in terms of rule 29.

Preliminary matter

The tribunal noted that no mandate by the owner and landlord of the property had been lodged with the tribunal. The tribunal adjourned to enable Miss Diamond to produce a mandate authorising her to act in both applications. Miss Diamond produced an email on her phone from the applicant authorising her to act on his behalf in this matter.

The tribunal had before it the following copy documents:

1. Application dated 19 July 2019 and received by the tribunal on 22 July 2019.
2. Tenancy agreement dated 13 June 2016.
3. Rent statement.

Discussion

Miss Diamond advised that the rent arrears have reduced slightly and she produced a statement which confirmed that the arrears are now £2368.76.

Findings in fact

1. The parties entered into an assured tenancy agreement for let of the property on 13 June 2016 for an initial period of 6 months and month to month thereafter.
2. The agreed rent was £595 per month.
3. Rent arrears accrued and at the date of the application being made the arrears were £2719.06.
4. The arrears as at the date of the CMD are reduced and £2368.76 is due.

Reasons

The tribunal was satisfied that it has sufficient information before it to make a decision and the procedure has been fair. The tribunal was satisfied that the sum of £2368.76 is outstanding as at today's date and accordingly granted an order for this sum.

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.

Lesley Ward

26 September 2019

Lesley A Ward Legal Member

Date