



**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/19/2413

Re: Property at 175 Tweedsmuir Road, Glasgow, G52 2ED (“the Property”)

Parties:

Mr Kerr Morrison, Mrs Elaine Morrison, 2330 Paisley Road West, Glasgow, G52 3QL; 2230 Paisley Road West, Glasgow, G52 3QL (“the Applicant”)

Mr Mark Anderson, Ms Suzanne Barrie, 21 Beltrees Road, Glasgow, G53 5TD; 30 Bearford Drive, Glasgow, G52 2JG (“the Respondent”)

Tribunal Members:

Jan Todd (Legal 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 of the sum of £2870 in respect of rent arrears should be granted.

- **Background**

This was a Case Management Discussion to consider an application by the Applicants for an order for payment of rent arrears in the sum of £2870.

The Application was made on 30th July 2019 but referred to Rule number 111 of the Tribunal Rules on Procedure which relates to civil proceedings arising out of a private rented tenancy when in fact this action relates to a short assured tenancy between the parties. The Applicant then amended their application to refer to Rule 70 of the Procedure Rules namely an application for civil proceeding arising out of an assured tenancy and this was accepted and set down for a CMD at Glasgow Tribunal Centre on 9th October at 2pm.

The papers lodged with the Application and considered by the Tribunal are:-

1. The Short Assured Tenancy Agreement between the parties dated 17th April 2015
2. A Statement of rent paid and due.

In addition the tribunal had notification of service of the CMD and all the papers on the Respondents by Sheriff Officer, confirming that notice of the CMD had been duly given on 5th September 2019.

The Tribunal had also issued a direction asking for a clearer statement of rent showing the sums due, sums paid and the running balance per month as well as any request for payment issued to the Respondents. The Applicant's agent Whyte Fraser and Co lodged a clear updated rent statement showing the sum outstanding as at 18th March or £2870. They also lodged two letters requesting payment of the outstanding rent dated 4th and 30th January 2019.

- **The Case Management Discussion**

At the CMD neither of the Respondents attended nor were they represented. They did not lodge any written representations. The Applicants did not attend in person but were represented by their letting agent Mr John Carswell of JLC Property Lettings. Mr Carswell explained that the Respondents were good tenants until they stopped paying the rent in October of 2018. He tried to contact them by e-mail without success but finally spoke to Mr Anderson who advised that he had split up with the other tenant Ms Barrie. Only two further payments were made by Mr Anderson of £140 each in November and December 2018 leaving a balance due of £2870 when the tenancy came to an end on 17th April 2019.

Mr Carswell advised that the landlords served a Notice to Quit on both Respondents requiring them to leave by 17th April and the Property was vacated by that date leaving the rent due up to and including 18th March 2019 as the rent was due monthly in advance.

Mr Carswell confirmed there have been no payments towards the arrears since then and his clients are seeking an order for payment of the full arrears of £2870.

- **Findings in Fact**

- The Applicant had entered into a lease of the Property with the First and Second Respondents as tenants from 18th April 2015. Said lease is dated 17th April 2015.
- The lease came to an end on 17th April 2019 following service of a notice to quit and s33 notice by the Applicant and the Respondents, the tenants, vacating the property by 17th April 2019.
- The rent due in terms of the lease was £525 payable monthly in advance.
- The rent outstanding as at 18th March 2019 which was the last rent payment due was £2870.

- **Reasons for Decision**

The parties entered into a lease whereby the Respondents agreed to pay a monthly rent of £525 for an initial period of 6 months and then thereafter on a monthly basis until the agreement was ended by either party. The Agreement came to an end when the Applicants served notice to quit and the tenants vacated the Property. The Rent outstanding as verified in the rent statement is £2,870 as at 18th March 2019. So an order for that amount was granted.

- **Decision**

An order for payment of the sum of £2870 in respect of rent arrears is granted.

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.

J. A. Todd

Legal Member/Chair

9th October 2019
Date