



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/19/2515

Property: 22 Tower Avenue, Barrhead, Glasgow G78 1DN (“the Property”)

Parties:

Yanmei Jai, 5 Balglass Drive, Balfron, Glasgow, G63 0UA (“the Applicant”)

John Wishart, Stacey McKenna, 246C Main Street, Barrhead, Glasgow G78 1SR (“the Respondents”)

Decision in absence of the Respondents

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) (“the Tribunal”) granted an order against the Respondent for payment of the sum of £4305 to the Applicant, under section 16 of the Housing (Scotland) Act 2016.

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 16 of the Housing (Scotland) Act 2014 for civil proceedings in relation to a an assured tenancy under the Housing (Scotland) Act 1988. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant attended personally.



The Respondents did not attend the Tribunal. No written representations had been received. The Respondents had been served by the Tribunal by Sheriff Officer on 29th November 2019.

Preliminary Matters

The Applicant confirmed that the rent statement in the Application remained accurate and the amount due for outstanding rent was £4035. She explained that the rent statement was the rent account for the property provided by her letting agent, Chattelle Estates, 120 Eastwoodmains Road, Clarkston, G76 7HH. The Respondents she said left the property in June 2019 and had stopped paying the rent from December 2018. After they left the applicant instructed a Sheriff Officer search and found that they had a new address of 246C Main Street, Barrhead, Glasgow G78 1SR. Accordingly the Respondents were served correctly on 29th November 2019 by Sheriff Officer. There were no other preliminary matters arising.

Matters Raised

It was explained no rent had been paid the Respondent from December 2018 until the Respondents left the property in June 2019. Rent due was to the sum of £4305. The Respondents had been given notice of this sum in the Application together with the supporting documentation. The Applicant had lodged the application clearly setting out the sum sought.

The Applicant confirmed that a payment order for non payment to the amount of £4305 was sought. She made submissions seeking the Order.

There were no other matters arising.

Reasons for Decision and Findings in Fact

- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondents had received notification of the proceedings and had not challenged same by written representations or attendance.**
- 2. The Applicant sought an Order for non payment of rent to the amount of £4305**
- 3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.**
- 4. The Tribunal was satisfied ton the evidence before it and the oral evidence given that the relevant tenancy was in terms of the 1988 Act, a Short Assured Tenancy dated 23rd October 2015. The Tribunal was further satisfied that the rent due was £650 per month and on the evidence before the Tribunal rental payments had been missed from December 2018 under this said Tenancy.**



5. The Tribunal found the evidence given by the Applicant as credible.
6. Accordingly in terms of Section 16 of the 2016 Act the Tribunal granted a payment order against the Respondents for the sum of £4305.

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.



Legal Member/Chair

Date

9/1/20.