

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 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/19/2787

**Re: Property at 1R Mitchell Road, Cumbernauld, Glasgow, North Lanarkshire,
G67 1AF (“the Property”)**

Parties:

**Khanna Homes Ltd, Radleigh House, 1 Golf Road, Clarkston, Glasgow, G76
7HU (“the Applicant”)**

**Ms Janie Scott, 1R Mitchell Road, Cumbernauld, Glasgow, North Lanarkshire,
G67 1AF (“the Respondent”)**

Decision in absence of the Respondent

**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 £3213.37 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. 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

K. Kirk

Manish Khanna attended for Khanna Homes Ltd, Radleigh House, 1 Golf Road, Clarkston, G76 7HU.

The Respondent did not attend the Tribunal. No written representations had been received.

Preliminary Matters

The Applicant's representative confirmed that the rent statement in the Application remained accurate and the amount due was £3213.37. A subsequent application for continuing rent due has been submitted. The Respondent was still in the property the Applicant explained Accordingly the Respondent was served correctly and on 18th December 2019 by Sheriff Officer. The Applicant advised the Respondent had texted him to say she had contacted social work and she would not be attending the hearing There were no other preliminary matters arising.

Matters Raised

It was explained no rent had been paid by the Respondent since April 2019. Rent due to September 2019 was £3213.37. The Respondents had been given notice of this sum in the Application together with the supporting documentation. The Applicant had lodged the application clearing setting out the sum sought. The Applicant had had contact with social work to explain his position and to try to resolve matters and would continue to do so if contacted.

The Applicant confirmed that a payment order for non payment to the amount of £3213.37 was sought. He 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 £3213.37**
- 3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.**
- 4. The Tribunal was satisfied that the relevant tenancy was in terms of the 1988 Act, a Short Assured Tenancy properly constituted and dated 1st August 2017. The Tribunal was further satisfied that the rent due was £695 per month and on the evidence before the Tribunal**

rental payments had been missed from May 2019, under this said Tenancy.

5. The Tribunal found the evidence given by the Applicant's representative credible.
6. Accordingly in terms of Section 16 of the 2016 Act the Tribunal granted a payment order against the Respondent for the sum of £3213.37.

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.

K. Kirk

Legal Member/Chair

15/1/20

Date