

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/19/1331

Re: Property at Norwood Lodge, 43 Drymen Road, Bearsden, G61 2RF (“the Property”)

Parties:

Mrs Diane McCallum, 12 Ferguston Road, Bearsden, Glasgow G61 2DX (“the Applicant”)

Ms Maureen Quinn, whose present whereabouts are unknown (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £5,250.

Background

The Applicant submitted an application seeking an order for payment in the sum of £5,250. That sum related to arrears of rent in respect of a tenancy of the property at Norwood Lodge, 43 Drymen Road, Bearsden, G61 2RF. The Tribunal attempted to intimate the application to the Respondent by sheriff officer. A report was received by the Tribunal to advise that the Respondent no longer resides at the property and that the mobile number supplied for the Respondent was out of service. The Tribunal intimated this application by advertisement. No written representations have been received by the Tribunal.

Case Management Discussion

The Applicant was present and accompanied by her husband. She was also represented by Miss McFarlane from Cairn Letting Limited. The case management discussion proceeded in the absence of the Respondent. The Applicant's representative advised that the Applicant recovered possession of the property on 11th June 2019. An up to date rent statement was produced showing that the rent due from 1st December 2018 to 11th June 2019 is £5,566.44. On the basis that the up to date rent statement has not been intimated to the Respondent, the Applicant's representative sought an order for payment in the sum of £5,250.

Findings in Fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement on 6th June 2014 for a period of 6 months.
2. The parties entered into a minute of agreement on 24th April 2017 to continue the tenancy on a month to month basis.
3. The rent payable is £875 per month.
4. Rent arrears accrued from 1st December 2018 to 31st May 2019 in the sum of £5,250.
5. The sum of £5,250 remains outstanding.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Tribunal was satisfied on the basis of the documentation produced and the representations made by the Applicant that the Respondent owes rent arrears amounting to £5,250 for the period mentioned. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

Nicola Irvine

Legal Member/Chair

1st August 2019

Date