

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)**

Chamber Ref: FTS/HPC/CV/19/2688

Re: Property at 6D Lomond Gardens, Elderslie, Johnstone, PA5 9LE (“the Property”)

Parties:

Ian Muirhead Kennedy, residing at 73 Tankerland Road, Glasgow G44 4EN

(“the Applicant”)

Miss Usmani Nissa, formerly residing at flat 0/3, 4 New Harbour Way, Paisley, PA3 2BZ and whose present whereabouts are unknown, and Mr Alan Mark Grierson Graham residing at flat 0/3, 4 New Harbour Way, Paisley, PA3 2BZ

(“the Respondents”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £2,250.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 12/05/2018; a letter demanding unpaid rental and a notice to leave dated 15/04/2019 together with a sequence of bank statements. A copy title sheet was lodged with the Tribunal which shows that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 11.30am on 2 March 2020 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT. There was no appearance by or on behalf of either the applicant or either of the Respondents.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents entered into a Tenancy Agreement for the Property on 1 May 2018. The applicant served a notice to leave on the respondents on 15/04/2019. The respondents vacated the property on 24/06/2019.
2. The initial rent in terms of the Tenancy Agreement was £490 per month.
4. The Respondents failed to maintain prompt and regular payments of the monthly rental. The respondents did not pay any rental in December 2018, nor in March, May and June 2019. In April 2019 the respondents only paid £200 towards the monthly rental due. When this application was submitted on 21 August 2019, rent arrears of £2,250.00 had accumulated. The respondents are jointly liable for that sum. At the date of application, there were arrears of rental totalling £2,250.00. No attempt has been made to make payment towards the sum outstanding.
5. Notice of the date of this hearing was served on both of the Respondents by advertisement on 27 January 2020. Neither respondent opposes the application. On 27 January 2020, the first respondent made written representations in which she says

I am more than happy to make some sort of payment when I have started my job to pay up half of what is owed and Alan will need to be chased to pay the other half.

6. The respondents are jointly and severally liable for the total sums due to the applicant. If one of the respondents pays more than they believe to be their share of the total sum due, then they have a right of relief against the other respondent.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £2,250.00. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £490 per month. Both respondents have failed to maintain prompt payments of rental and there were £2,250.00 in arrears of rental at the date of application. No payments have yet been made towards the sum outstanding.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

P Doyle

Legal Member

Date 02 March 2020