

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/18/2792

Re: Property at 104 Colwood Avenue, Glasgow, G53 7XS (“the Property”)

Parties:

Mr Saleem Siddique, c/o D J Alexander Lettings Ltd, 1 Weymss Place, Edinburgh, EH3 6DH (“the Applicant”)

Miss Stacey Morton, residing formerly at 104 Colwood Avenue Glasgow G53 7XS and now address unknown. (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant of the sum of three thousand and seventy pounds and fourteen pence (£3070.14).

Discussion

This was the second case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’. A first CMD was adjourned to today to enable the respondent to confirm whether she wishes to appear or be represented or make representations in connection with the application. It appeared to the tribunal at the first CMD that the papers (which were served by sheriff officer by depositing on 22 November 2018, the same date the respondent

moved out of the property), may not have been received by her. The tribunal had emailed the respondent on 12 December 2018 and this was a possible method of communication. The adjourned CMD date and decisions and directions were sent to the respondent by email on 8 January 2019. The tribunal has received several emails from the respondent since then so it is clear today that she is aware of today's hearing. In any event the respondent called the tribunal shortly before the hearing to state that she would not be attending. The respondent had also emailed the tribunal on two occasions on the morning of today's CMD. The first time she sought an adjournment as she had slipped on ice and the second email was to confirm her attendance.

The respondent has made representations in connection with the application. The representations appear to relate to the applicant's reference to cleaning the property which will have to form part of a separate application. As noted in the CMD note from 17 December 2018, this application is in relation to arrears of rent only.

The respondent did not attend the hearing and was not represented. The applicant was represented by Ms Cartwright from DJ Alexander Lettings. She sought an order for £3070.14 which is the amended sum sought after the tribunal allowed the amendment at the last CMD. No further sums have been paid since the last CMD and this sum is outstanding.

The tribunal noted that the rent account refers to rent of £650 per month whereas the lease refers to rent of £625. The lease also provides for an annual review of the rent. The tribunal adjourned to enable her to make inquiries and she produced an email sent to the respondent from the letting company on 2 September 2016 which confirmed that the rent increased from £625 to £650 on 3 November 2016.

Findings in fact

1. The applicant is the owner of the property.
2. The applicant entered into a tenancy agreement with the respondent to let the property from 3 May 2013 until 3 November 2013 and month to month thereafter.
3. The rent was £625 per month until 3 November 2016 when it increased to £650 per month.
4. Rent arrears accrued from July 2018 until November 2018 in the sum of £3070.14.

Reasons

This is an application for rent arrears which was adjourned to enable the respondent to confirm if she wishes to attend or make representations. Her representations have been received but do not relate to the rent arrears sought. The tribunal is satisfied that rent arrears of £3070.14 have accrued. A rent statement has been lodged and evidence of the increase in rent exhibited. The tribunal accordingly has granted an order for payment of the sum of £3070.14.

Lesley Ward

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.

Lesley Ward

25 January 2019

Lesley A Ward Legal Member

Date