

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 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/0860

Re: Property at Flat 0/1, 11 Margaretta Building, Clarkston Road, Cathcart, Glasgow, G44 4EE (“the Property”)

Parties:

Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET (“the Applicant”)

Mr Heath Robinson, Flat 0/1, 11 Margaretta Building, Clarkston Road, Cathcart, Glasgow, G44 4EE (“the Respondent”)

Tribunal Member:

Colin Dunipace (Legal Member)

Summary of Discussion

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in terms of section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Background

- 1. This matter concerns a civil action in terms of section 71(1) of the aforementioned Act in respect of the subject property. The Application was lodged by Messrs TC Young on behalf of the Applicant on 12 March 2019. With the Application was lodged a copy of the Private Residential Tenancy Agreement and a rent statement. The Application stated that in terms of Clause 8 of the Tenancy Agreement that the Respondent undertook to pay rent to the Applicant at the rate of £610.33 per calendar**

month. The Applicants stated that as at the date of the lodging of the Application that the Respondent had been in arrears of rent by the amount of £3,390.43. It was accordingly submitted that an Order in this sum should be granted. By email of 1 May 2019 the Applicants sought to amend the application in relation to the sum claimed from £3,390.43 to £4,637.29 in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

2. This matter called before me as a Case Management Discussion in Glasgow Tribunals Centre, Glasgow on 16 May 2019. The Applicant was not present but was represented at this Discussion by Ms Slater of Messrs TC Young, Solicitors. The Respondent was present but was not represented. The Respondent confirmed that he did not seek an opportunity to seek any representation.

Case Management Discussion

1. At the Case Management Discussion Ms Slater to amend the sum sought in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. This motion was not opposed and accordingly this motion was granted. Thereafter Ms Slater sought the order as sought in the sum of £4,637.29.
2. The Respondent confirmed that he accepted the position in relation to the arrears of rent to the extent stated by the Applicants. The Respondent explained that he had attempted to make payments toward his rent, but that he had experienced a large number of personal difficulties which had militated against him meeting these rental payments. In particular the Respondent made reference to a number of close bereavements and to health difficulties which had all adversely impacted upon his financial position. The Respondent did however indicate that he was keen to try and clear his arrears of rent.

Findings in Fact

1. The parties entered into a Private Residential Tenancy on 26 May 2018. In terms of this rental agreement the amount of rent due was £610.33 per calendar month.
2. Notice to Leave was served on the Respondents by Sheriff Officers on 14 December 2018.
3. That the Respondents did not maintain payments of rent due in respect of this tenancy agreement and that the arrears of rent now due are in the sum of £4637.29.

Statement of Reasons

The Applicant's representative produced a rent arrears statement to the Tribunal showing the extent of the outstanding arrears. Accordingly in terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016, I am satisfied that the Applicant has established the position in relation to the outstanding arrears of rent, and as such I am satisfied that the Applicant is entitled to the Order as sought.

For these reasons I am satisfied that the Order sought should be granted.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.



Legal Member

16/5/15

Date