



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/20/1582

Re: Property at 109 Linnhe Crescent, Wishaw, ML2 0PH (“the Property”)

Parties:

Jecks Properties Ltd, 9 Allanton Road, Newmains, Wishaw, ML2 9QF (“the Applicant”)

Ms Devi Khadka, 109 Linnhe Crescent, Wishaw, Lanarkshire, ML2 0PH (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for the sum of £4665.41 should be granted against the Respondent in favour of the Applicant.

Background

1. By application received on 24 July 2020 the Applicant seeks a payment order against the Respondent in relation to arrears of rent. A copy private residential tenancy agreement and rent statement were lodged with the application.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 1 October 2020. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 30 October 2020 at 2pm by telephone conference call and that they were required to participate. Prior to the CMD the Respondent submitted a letter to the Tribunal which indicated that she had lost her job because of the COVID 19 pandemic. She did not advise whether the sum being claimed in the application was

disputed.

3. The case called for a CMD on 30 October 2020 at 2pm, by telephone conference call. The Applicant participated and was represented by Mrs Mullen. The Respondent did not participate and was not represented. A related application for an eviction order also called. Mrs Mullen advised the Legal Member that she had submitted a request to the Tribunal on 13 October 2020, to amend the sum claimed in the application. However, this had not been received. At the request of Mrs Mullen, the application was continued to a further CMD to allow a request to amend the application to be submitted and crossed over to the Respondent. An eviction order was granted in the related application.
4. On 4 November 2020 parties were notified that a further CMD would take place on 11 December 2020 at 2pm by telephone conference call, and that they were required to participate. On 12 November 2020, the Applicant submitted an updated rent statement showing a balance due of £4750 on 6 November 2020. The Applicant also submitted a request to increase the sum claimed in the application to £5225, being the sum which would be due by the date of the CMD, if no further payments were received. They provided a copy of a letter to the Respondent enclosing a copy of the statement and advising her of the request.
5. The application called for a CMD on 11 December 2020 at 2pm by telephone conference call. The Applicant was represented by Ms Morrison. The Respondent did not participate and was not represented.

Case Management Discussion

6. Ms Morrison advised the Legal Member that the Applicant recovered possession of the property on 4 December 2020 and that there has been no contact from the Respondent regarding the rent arrears. Ms Morrison also advised that Applicant was now seeking a payment order for the reduced sum of £4665.41, being the sum due up to and including the date that the property was recovered.

Findings in Fact

7. The Applicant is the owner and landlord of the property.
8. The Respondent was the tenant of the property in terms of a private residential tenancy agreement. The tenancy commenced on 9 August 2019.
9. The Respondent was due to pay rent at the rate of £475 per month.
10. The tenancy ended on 4 December 2020 when the Applicant recovered possession of same.

11. The Respondent owes the sum of £4665.41 in unpaid rent to the Applicant.

Reasons for Decision

12. The Legal Member considered the application and the information provided by the Applicant's representative at the CMD. The Legal Member is satisfied that the Respondent has incurred arrears of rent of £4665.41 and that the Applicant is entitled to an order for payment for this sum.

Decision

13. The Legal Member determines that a payment order should be granted against the Respondent for the sum of £4665.41

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.

Josephine Bonnar, Legal Member

11 December 2020