



**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/19/2318

**Re: Property at 40 Loganswell Gardens, Deaconsbank, Glasgow, G46 8HU
("the Property")**

Parties:

**Ms Jennifer Odell, c/o The Property Bureau, Melville House, 70 Drymen Road,
Bearsden, G61 2RH ("the Applicant")**

**Miss Nichola Marie Weir, 40 Loganswell Gardens, Deaconsbank, Glasgow, G46
8HU ("the Respondent")**

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Respondent is liable to make payment to the
Applicant in the sum of £4,987.50.**

FINDINGS IN FACT

1. The applicant was the landlord, and the respondent the tenant, of the Property under and in terms of a Short Assured Tenancy Agreement which commenced on 27 January 2017 ("the Tenancy Agreement").
2. The rent was £475 per calendar month.

3. As at 13 December 2019, the Respondent owed arrears of rent to the Applicant in the total sum of £4,987.50.

FINDINGS IN FACT AND LAW

1. By failing to make payment of rent as it fell due, the Respondent is in material breach of her obligations under and in terms of the Tenancy Agreement.
2. The Respondent being under contractual obligation to make payment to the Pursuer of the sum sued for, a payment order should be granted in the sum of £4,987.50.

STATEMENT OF REASONS

1. This action called before me for a Case Management Discussion on 13 December 2019 at 2.00pm, together with the grouped action EV/19/2317. The Applicant was represented by Mrs Saddiq, solicitor, by way of conference call. The Respondent was neither present nor represented.
2. In advance of the CMD, the Respondent's Representative, TCH Law, had intimated an updated rent arrears schedule and indicated an intention to seek to increase the sum sued for at the CMD. Mrs Saddiq confirmed that intimation of this had been given by her to the Respondent a few days prior to the hearing. In terms of Rule 14 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"), Mrs Saddiq moved me to increase the sum sued for to the sum of £4,987.50 to reflect the updated rent arrears schedule. In the circumstances, I granted that motion and increased the sum sued for accordingly.
3. Thereafter, Mrs Saddiq invited me to grant the payment order. I am satisfied that the basis of the application is fully set out in the application. The parties

were landlord and tenant. The monthly rent payable by the Respondent was £475. The respondent fell into arrears. Further, since the raising of the application, the Respondent has incurred further arrears as set out in the updated rent arrears schedule intimated to her by the Applicant's Representative.

4. Accordingly, I was satisfied that the Respondent is liable to the Applicant for payment of the sum of £4,987.50. I granted an order for payment of that sum.

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.

A Upton

Legal Member/Chair/

13 DECEMBER 2019

Date