



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 1988 ('the Act')

Chamber Ref: FTS/HPC/CV/18/2756

Re: Property at 318 Kingsbridge Drive, Rutherglen, Glasgow G73 2BN LAN 4269 ('the Property')

Parties:

Mr Saeed Malik Awan and Mrs Tahira Malik, care of The Property Store, 111 Albert Drive, Glasgow G41 2SU ('the Applicants')

Mr Kevin John Miller, 318 Kingsbridge Drive, Rutherglen, Glasgow G73 2BN ('the Respondent')

Tribunal Members:

Joseph C Hughes (Legal Member) and David Wilson (Ordinary Member)

Decision [in absence of the Respondent]

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined an Order for Payment by the Respondent to the Applicant of One Thousand Nine Hundred Pounds (£1900) (Sterling).

BACKGROUND

By Application dated 15th October 2018 and received on 16th October 2018, the Applicants (through their agents, Hardy Macphail, Solicitors, Glasgow), sought an Order for Payment of £1900 in respect of rent arrears all in terms of Rule 70 (civil proceedings).

The Tribunal had before it:

- (a) The Application, dated 15th October 2018;
- (b) Short Assured Tenancy Agreement, dated 1st August 2015;
- (c) Copy rent statement (with additional updated statement as at 1st December 2018);
- (d) Additional correspondence from Hardy Macphail.

On 1st November 2018, the Application was accepted by the Tribunal and referred for determination by the Tribunal.

A Hearing took place on Thursday 13th December 2018 at 2pm within Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. Appropriate intimation of that Hearing was given to both parties. Sheriff Officer Intimation of the Hearing was served upon the Respondent on 21st November 2018.

Mr Michael Ritchie, Solicitor, represented the Applicants. Mr Atif Ahmed (from the Property Store) appeared on behalf of the Applicants. Neither the Respondent nor a representative attended the Hearing.

At the outset of the Hearing Mr Ritchie indicated that yesterday the Respondent handed in a set of keys for the property to the Property Shop indicating that he had vacated the property. It is further believed that the Respondent has found new accommodation.

The Applicants' representative confirmed that they wished the Tribunal to grant the Order for Payment as sought in the Application.

FINDINGS IN FACT

- (i) The Applicants and the Respondent are respectively the Landlords and Tenant. They entered into a tenancy agreement for the property at 318 Kingsbridge Drive, Rutherglen, Glasgow G73 2BN on 1st August 2015.
- (ii) The Tenancy was a Short Assured Tenancy.
- (iii) The rent was £475 per calendar month payable monthly in advance.
- (iv) Rent arrears as at the date of the Application (15th October 2018) was £1900 (four months arrears).
- (v) Rent arrears as at the date of the Hearing (13th December 2018) was £2375 (five months arrears).
- (vi) Rent lawfully due to the Applicants, all in terms of the tenancy agreement between the parties, has not been paid by the Respondent.
- (vii) No rent has been paid since 1st August 2018. A payment of housing benefit was received in October 2018. This was apportioned to the July rent arrears.

REASONS FOR DECISION

There was no evidence presented to the Tribunal to challenge the outstanding rent arrears. The Tribunal proceeded on the basis of the written documents which had been previously lodged together with oral submissions.

The Tribunal was satisfied that there were significant arrears of rent and the Respondent has failed to pay rent since 1st July 2018. In all the circumstances the Applicants are entitled to an Order for Payment in the sum sought.

DECISION

The Tribunal accepted that the sum sought in the Application was due in terms of the tenancy agreement.

The Order of Payment for One Thousand Nine Hundred Pounds (£1900) Sterling is GRANTED.

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.

Mr Joseph C Hughes



['Joseph C Hughes']

Legal Member
Housing Property Chamber

Date: 13th December 2018