



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/18/3158

Re: Property at 12 Blacksey Burn Drive, Crookston, Glasgow, G53 7SX (“the Property”)

Parties:

Mr Asan Ahmed, C/o The Property Store (GB) LTD, 111 Albert Drive, Glasgow, G41 2SU (“the Applicant”)

Miss Noreen Asghar, 12 Blacksey Burn Drive, Crookston, Glasgow, G53 7SX (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

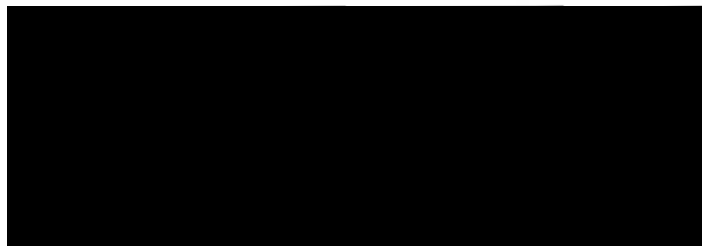
Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of four thousand three hundred and eighty pounds (£4380).

This was the first calling of a 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’ and s16 of the Housing (Scotland) Act 2014, ‘the Act’ to claim for rent arrears regarding the property at 12 Blacksey Burn Drive Crookston Glasgow G53 7SX, ‘the property’. The tribunal had before it the following copy documents:

This was a case management discussion ‘CMD’ in connection with an application in terms of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules, ‘the rules’ and s33 of the Housing (Scotland) Act 1988, ‘the Act’. The tribunal had before it the following copy documents:

1. Application dated 22 November 2018 and received by the tribunal on 23 November 2018.



2. Rent statement dated 21 November 2018.
3. Email from respondent dated 21 January 2019.
4. Sheriff Officer's execution of service on respondent dated 9 March 2019.

Mr Rana Asghar attended the CMD as the representative of the respondent. Mr Michael Ritchie solicitor attended as the applicant's legal representative. Mr Asghar stated that he has tried to obtain legal advice in connection with this and the accompanying eviction application but a difficulty has arisen because his wife is unable to get out of the house and go and seek legal advice because she is recovering from a difficult pregnancy.

Mr Ashgar's position was that he accepted that there are rent arrears for the property. He is now taking steps to address the arrears and is hopeful that they can be cleared. He has benefit applications pending which, if granted, will be backdated several months. He did not object to the order for the sum of £4380 in respect of rent arrears as at the 21 November 2018. He did not contradict Mr Ritchie's position that the arrears have increased to around £6000 and stated that hoped to be in a position to pay around £3000 towards the arrears.


Mr Ritchie was seeking the order sought. He stated that the arrears have increased to around £6000.

Findings in fact

1. The applicant is the owner of the property.
2. The applicant entered into a short assured tenancy with the respondent for let of the property for the initial period of 14 June 2017 until 14 December 2018 and monthly thereafter.
3. The monthly rental payment was £1095.
4. The rent arrears outstanding at 21 November 2018 was £4380. That sum remains due and further arrears have accrued.

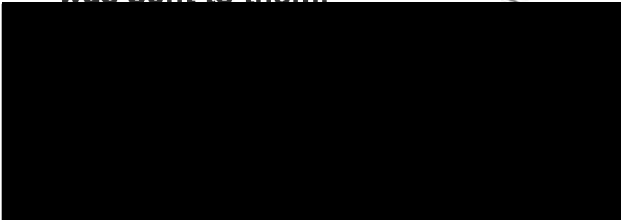
Reasons

The tribunal considered that it had enough information before it today to make a decision and the procedure has been fair. The tribunal took the respondent's representative's position into account. The tribunal was satisfied that the arrears of £4380 are due and granted an order for 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.



12 March 2019

Lesley A Ward Legal Member

Date