



**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/18/3488

**Re: Property at Flat 0/1, 8 Middlesex Gardens, Kinning Park, Glasgow, G41 1EL
("the Property")**

Parties:

**The Property Store (GB) Ltd, 111 Albert Drive, Glasgow, G41 2SU ("the
Applicant")**

**Miss Shakeela Anwar, Flat 0/1, 8 Middlesex Gardens, Kinning Park, Glasgow,
G41 1EL ("the Respondent")**

Tribunal Members:

G McWilliams- Legal Member

Decision in absence of the Respondent

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that**

Background

1. This is an Application for a payment order dated 21st December 2018 brought in terms of Rule 70 (Application for civil proceedings in relation to an assured tenancy under the 1988 Act) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended ("the 2017 Regulations").
2. The Applicant sought payment of arrears in rental payments of £1500.00 in relation to the Property from the Respondent, and provided with its application copies of the parties Short Assured Tenancy Agreement and a Rent Arrears Statement. With their linked Application, Chamber Reference

FTS/HPC/EV/18/3485, the Applicant produced copies of Forms AT5 and AT6, relevant Executions of Service, and a Local Authority Notice.

3. The Short Assured Tenancy Agreement had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.
4. The Respondent had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 17th January 2019, and the Tribunal was provided with the Execution of Service.

Case Management Discussion

5. A Case Management Discussion was held on 7th February 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicant was represented by Mr M Ritchie of Hardy Macphail Solicitors, Glasgow. The Respondent did not appear and was not represented. The Applicant's representative stated that the Respondent had not paid any rent since the lodging of the Application. He stated that whilst the parties Short Assured Tenancy Agreement provided for a monthly rental amount of £525.00, the Applicant had been charging a monthly rent of £500.00. He stated that the outstanding rent owing at the time of service of Form AT6 was £1756.56, as was stated in the Application. He stated that the rent owing at today's date was £1700.00. In support of his statements the Applicant referred to the Rent Arrears Statement lodged with the Application. He also lodged another Rent Arrears Statement dated 4th February 2019. The Applicant's representative stated that he had no information regarding whether or not the Respondent received Housing Benefit. He asked the Tribunal to make the order for payment sought in the Application, of £1500.00.

Statement of Reasons

6. Section 16 of the Housing (Scotland) Act 2014 provides as follows:

"16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments."

7. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords (such as the Applicants) for payment of unpaid rental against a tenant (such as the Respondent) under a short assured tenancy such as this.
8. The Tribunal considered the terms of the Short Assured Tenancy agreement and the copy Rent Arrears Statements provided, and was satisfied that these disclosed an outstanding balance of rent arrears as at the date of the Application, namely 21st December 2018, in the sum sought of £1500.00.

Decision

9. Accordingly, the Tribunal make an order for payment of the sum sought of £1500.00.

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.

Gerald McWilliams

7th February 2019

Legal Member

Date