



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 Housing (Scotland) Act 2014 (“the 2014 Act”)

Chamber Ref: FTS/HPC/EV/22/1347

Re: Property at 14 Torrington Crescent, Glasgow, G32 9NU (“the Property”)

Parties:

Mrs Ingrid Boyd, 3 Grenadier Park, Cambuslang, G72 8EP (“the Applicant”)

Mr Alan Moffat, 14 Torrington Crescent, Glasgow, G32 9NU (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £7085.00 should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant seeks an order for payment in relation to unpaid rent. A copy short assured tenancy agreement, AT5, addendum to tenancy, rent statement and paper apart with information about rent arrears were lodged in support of the application.
2. A copy of the application was served on the Respondent by Sheriff Officer on 27 July 2022. Both parties were advised that a case management discussion (“CMD”) would take place by telephone conference call on 8 September 2022 at 10pm and that they were required to participate. They were provided with the telephone number and passcode. Prior to the CMD the Applicant’s representative submitted an amended paper apart and updated rent statement

showing arrears of rent of £7085 on 1 August 2022.

3. The CMD took place on 8 September 2022. The Applicant was represented by Ms Grosvenor, solicitor. The Respondent participated.

Case Management Discussion

4. Ms Grosvenor advised the Tribunal that the Applicant seeks a payment order for the updated sum of £7085. Mr Moffat stated that he did not oppose the order being granted and confirmed that the sum claimed is unpaid. In response to questions from the Tribunal he stated that he and his partner only recently started working again. Both had lost their jobs during the pandemic and had struggled financially. They had received Universal Credit housing costs but had not paid these sums to the rent account. He had also told the Applicant's agent that he had stopped paying rent because notices had been served on them to vacate the property. He told the Tribunal that he had offered to pay the arrears if the Applicant allowed him to remain in the property, but this had been refused.

Findings in Fact

5. The Applicant is the Executrix of the deceased owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a short assured tenancy.
7. The Respondent is due to pay rent at the rate of £545 per month.
8. The Respondent owes the sum of £7085 in unpaid rent.

Reasons for Decision

9. The application was submitted with a tenancy agreement and other supporting documents. In terms of the tenancy agreement, rent is due to be paid at the rate of £545 per month. Prior to the CMD, the Applicant submitted an updated rent statement showing arrears of rent up to 1 September 2022 of £7085. The Respondent participated in the CMD and advised the Tribunal that this sum is unpaid and due. The Tribunal is satisfied that the Applicant is entitled to a payment order for the sum of £7085.00.

Decision

10. The Tribunal determines that an order for payment for the sum of £7085 should be granted in favour of the Applicant.

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.

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Josephine Bonnar, Legal Member

8 September 2022