

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/2614

Re: Property at Flat 2/2, 16 Woodend Road, Rutherglen, South Lanarkshire, G73 4DX (“the Property”)

Parties:

Mr Leo Jux, 9 Ashbridge Way, Sunbury-on-Thames, Surrey, TW16 7SF (“the Applicant”)

Miss Sharon Connelly, Flat 3, 33 Dougrie Place, Castlemilk, G45 9AR and Mr Dale Connelly, Flat 2/2, 16 Woodend Road, Rutherglen, South Lanarkshire, G73 4DX (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in the sum of £5,200.

Background

The Applicant submitted an application seeking an order for payment in the sum of £4,400. That sum related to arrears of rent in respect of the Respondents’ tenancy of the property at Flat 2/2, 16 Woodend Road, Rutherglen. The Tribunal intimated the application to the Respondents by letter dated 16th September 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the Respondents were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 7th October 2019. No written representations were received by the Tribunal from the Respondents. On

3rd October 2019, the Applicant's representative intimated an amendment to the Applicant's representations in respect that an order in the sum of £5,200 is now sought in relation to rent arrears. This amendment was intimated by the Applicant's representative to the Respondents by first class and recorded delivery post.

The Case Management Discussion

The Applicant was represented by Miss Nicola Caldwell. Miss Sharon Connelly was personally present. The Applicant's representative advised the Tribunal that there have been no payment from the Respondents in respect of the arrears of rent. The Applicant sought an order for payment in the sum of £5,200. Miss Connelly accepted that the rent arrears amount to £5,200; she advised that she is not in a position to pay that sum but is prepared to enter into discussions to pay by instalments. The Applicant's representative indicated that she is willing to discuss a repayment arrangement.

Findings in Fact

1. The Respondents entered into a Tenancy Agreement in respect of the property dated 26th May 2017.
2. The rent payable was £400 per month, payable in advance.
3. The Respondents have accrued rent arrears of £5,200 as at the date of today's case management discussion.
4. The Applicant is entitled to the Order sought for payment in the sum of £5,200 in respect of rent arrears.

Reason for Decision

The Applicant has produced documentation which shows that the rent arrears amounted to £5,200 at the time the present application was submitted. Miss Connelly accepted that the sum of £5,200 is due to the Applicant in respect of rent arrears. The Tribunal therefore proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondents and therefore granted the order for payment.

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.

N.Irvine

Legal Member/Chair

24th October 2019
Date