



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of the Private Housing
(Tenancies) (Scotland) Act 2016 for Civil Proceedings in relation to a Private
Residential Tenancy.**

Chamber Ref: FTS/HPC/CV19/3544

Re: Property: 12 Priorwood Road, Newton Mearns, G77 6WR

Parties:

Mr Andrew Gormley, c/o 4 Carriagehill Drive, Paisley, PA2 6JG (“the Applicant”)

Mr Balal Wali, 12 Priorwood Road, Newton Mearns, G&& 6WR (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (hereinafter referred to as “the 2016 Act”) for civil proceedings in relation to a private residential tenancy. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant was represented by Jack Fulton, Future Alliance, 4 Carriagehill Drive, Paisley, PA2 6JG

Karen Kirk

The Respondent did not attend the Tribunal. No written representations had been received. Sheriff Officer service took place on 24th December 2019.

Preliminary Matters

The Applicant's representative confirmed that an updated rent statement to 1st February 2020 showed the rent arrears due of £4150.00. The sum in the application served on the Respondent was £5550. The Tribunal given the amount was less than in the application allowed the updated statement to be lodged and for the sum sued to be amended to £4150. It was noted as this was less than the notice given to the Respondent on this occasion there was no prejudice or unfairness caused to the Respondent by amending the sum sued for at the hearing.

There were no other preliminary matters arising.

Matters Raised

The Applicant's representative confirmed that a payment order for non payment to the amount of £4150 was sought. He said that parties had been in contact due to a flood within the property in 2019 and that the Respondent may have considered he had encountered costs and this started a period of non payment of rent. He said further he has requested invoices of these payments from the Respondent to allow the Applicant to remit same to his insurance company if appropriate but they were never received. He said finally that the Respondent is sent numerous regular texts seeking rent payments and that no eviction order is sought at present as parties hope to resolve matters.

There were no other matters arising.

Decision (in the absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondents for payment of the sum of £4150 to the Applicant, under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Reasons for Decision and Findings in Fact

- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondents had received notification of the proceedings and had not challenged same by written representations or attendance.**

2. The Applicant sought an Order for non payment of rent to the amount of £4150.
3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.
4. The Tribunal was satisfied that the relevant tenancy was in terms of of the 2016 Act, a Private Residential Tenancy properly constituted and dated 30th May 2018. The Tribunal was further satisfied that the rent due was £1000 per month and on the evidence before the Tribunal rental payments due to 1st January 2020 under this agreement amounted to £4150.
5. Accordingly in terms of Section 71 of the 2016 Act the Tribunal granted a payment order against the Respondent for the sum of £4150

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.

Karen Kirk



Legal Member/Chair



Date

27/1/20