



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/20/1343

Re: Property at 3/2, 70 Balerno Drive, Glasgow, G52 1NB (“the Property”)

Parties:

Mrs Leah Tsirigotis, 82 Coustonholm Road, Glasgow, G43 1TZ (“the Applicant”)

Mr Aftab Abbassi, 3/2, 70 Balerno Drive, Glasgow, G52 1NB (“the Respondent”)

Tribunal Members:

Anne Mathie (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for payment in the sum of £3000 [THREE THOUSAND POUNDS STERLING] in respect of rent arrears be made

- Background

An application was lodged by the Applicant’s representative dated 17 June 2020 under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Chamber Rules”) being a civil application in relation to a tenancy under the Private Housing (Tenancies) (Scotland) Act 2016. The application sought a payment order of £3000 “plus any additional payments which are missed by the time Tribunal proceedings complete.”

Along with the application form was lodged a copy of the tenancy agreement and a copy of a rent statement.

The Tribunal wrote to the Applicant’s representative on 21 July 2020 asking for evidence that the tenant is aware that there are rent arrears and that the tenant has been asked to make payment in respect of the arrears.

In the same letter the Tribunal advised:

“The legal member notes that you seek £3000 or such other sums as may be due at the date of the hearing, she advised that if an increased sum (from £3000) is sought at any forthcoming case management discussion, then you would require to provide fair notice to the other party of what this sum is. In order to do so you require to comply with the terms of rule 14A of the Tribunal Rules – Request to Amend the Application in Respect of Matters other than New Issues (The Rules are available to view on the Housing and Property Chamber Website).”

The Applicant’s representative emailed on 3 August 2020 with copies of emails to the Respondent regarding the rent arrears. He also provided an updated rent statement but no application to amend.

The application was accepted and scheduled for a Case Management Discussion today.

Notification of the application and the case management discussion was served on the Respondent. He was requested to submit written representations by 2 October. He was further advised that he was required to take part in the Case Management Discussion and that the tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. He was advised that if he did not take part in the Case management Discussion that would not stop a decision or order being made by the Tribunal if the Tribunal considers that it has sufficient information before it to do so and the procedure has been fair.

No written representations have been received from the Respondent.

- The Case Management Discussion

The Case Management Discussion took place today by teleconference as a result of the Coronavirus pandemic. Wayne Burrows, of Penny Lane Homes Shawlands Ltd attended on behalf of the Applicant. The Applicant did not attend. The Respondent did not attend.

Discussion took place of the terms of the Tribunal’s letter of the 21 July 2020 and the fact that a maximum payment order could be made of £3000 as no application to amend had been made. There was an adjournment for 30 minutes to allow the Applicant’s representative to forward the updated rent statement.

- Findings in Fact

The parties entered into a tenancy agreement which commenced on 6 April 2018.

In terms of Clause 4 of the tenancy agreement rent was payable at a rate of £450 per calendar months on the 6th day of each month.

The Respondent has accrued rent arrears. The current level of rent arrears stand at £4750 but the Tribunal can only grant a maximum payment order of £3000 as this is the figure sought on the application form and no amendment request has been received.

- Reasons for Decision

The Tribunal proceeded on the basis of the written documents before it and the oral submissions of the Applicant's representative. There was nothing challenging the information before the Tribunal.

- Decision

To grant a payment order in the sum of three thousand pounds in respect of rent arrears.

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.

A Mathie

9 October 2020

Legal Member/Chair

Date