



**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/20/2521

Re: Property at 82 Craighton Road, Glasgow, G51 3RQ (“the Property”)

Parties:

Mr Brian Walker, 9 Argyle Place, Rothesay, PA20 0BA (“the Applicant”)

Ms Stefanie Lewis, 82 Craighton Road, Glasgow, G51 3RQ (“the Respondent”)

Tribunal Members:

Jan Todd (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 of the sum of £4,170 is granted against the Respondent in favour of the Applicant.

Background

This was the first case management discussion (CMD) in respect of an application by the Applicant dated 3rd December 2020 for an order for payment of arrears of rent from the Respondent who was the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

1. A copy of the Short Assured Tenancy Agreement dated 15th November 2017 between the Applicant as Landlord and the Respondent who was the Tenant.
 2. AT5 form
 3. Statement of rent arrears showing a sum outstanding as at 30th November 2020 of £4,170.
-
1. The Application was accepted acceptance by a legal member of the Tribunal dated 14th January 2021.

2. Due to the Covid 19 pandemic the case management discussion (CMD) proceeded today by way of teleconference due to the requirement at the current time for social distancing.
3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent on 18th January 2021.

- **The Case Management Discussion**

4. The CMD took place by teleconferencing and the Legal Member waited until 14.10 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD.
5. The Applicant did not attend in person but was represented by Ms Karen Friel and Mr Rajesh Joshi of Big Property the Applicant's representative. Ms Friel spoke for the Representatives. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and she has not responded in writing or requested any postponement of today's CMD.
6. Ms Friel advised that the Respondent is still resident in the Property and confirmed that the arrears have increased with 3 further payments of rent falling due since the rent statement was lodged, namely rent due for December, January and February. She advised that the Respondent has not replied to any of Big Properties letters to her but has made 3 payments in January and February of £695 and £845 respectively. Ms Friel advised that this meant the sum now outstanding is £4,765 and she asked if the sum claimed could be amended to reflect that. The legal member explained that any increase has to be intimated on the Respondent with at least 14 days' notice and as this has not been done the sum sought cannot be amended unless the applicant wants to continue the case for amendment of the sum sought. The Applicant confirmed she did not and was happy to proceed with the original sum claimed.
7. The Legal Member asked if further letters had been sent to the Respondent requesting payment and offering to discuss a payment plan and Ms Friel confirmed they had. She advised that the Respondent had come to a previous arrangement in 2019 to pay off her arrears and did reduce them considerably but they have increased again and this time she has not been in touch or responded to any of Big Property's letters.
8. Ms Friel was seeking an order for payment today.

Findings in Fact

1. The parties entered into a lease of the Property which commenced on 15th November 2017
2. The Rent due in terms of the lease is £695 per calendar month payable in advance
3. The tenant is still living in the Property.
4. The rent outstanding at the date of the application was £4,170 and at today's date is £4765.
5. The Respondent fell into arrears on or around January 2019 and then reduced the arrears but in 2020 they have increased again. The Applicants

have written to the tenant asking her to discuss a payment plan but there has been no response to date.

6. The Deposit of £695 has not been reclaimed by the Applicants as the tenant is still living in the Property.

- **Reasons for Decision**

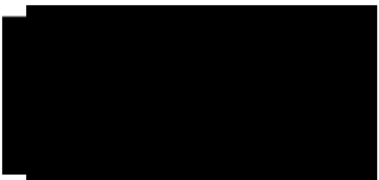
7. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £695 per month in rent.
8. The Respondent has failed to pay the full rent due. She fell into arrears during 2019 but started paying arrears back each month during the latter part of 2019 however the arrears started accumulating during 2020 and as at 1st November 2020 they stood at £4170 with no payment being made from July 2020 to that date.
9. Ms Friel advised that despite her firm writing regularly to the Respondent asking her to contact them to discuss the debt and giving advice on where the Respondent could seek advice from the Respondent has refused to engage. She has however made 3 further payments in January and February 2021 of £1535 in total. Ms Friel advised that as 3 further rent statements have also become due to this has resulted in a net increase in rent arrears and the amount now due is £4765. The Tribunal advised that an increase in the sum sought cannot be entertained without prior notice to the Respondent and Ms Friel advised she was content to seek an order for payment of the original sum sought which is less than the sum currently due.
10. The Tribunal accepts the written evidence and verbal statements made by the Applicant's agent, who the Tribunal found clear and credible in her evidence that the rent outstanding as of November 2020 amounts to £4170 and has now increased. This sum has been intimated on the Respondent. In the absence of any response from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today.
11. There being no application for time to pay the Tribunal makes an order for payment of the sum as amended claimed.

- **Decision**

An order for payment of the sum of £4,170 is granted

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.



Legal Member/Chair

22nd February 2021
Date