



**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/20/2039**

**Re: Property at 3 Lochburn Gate, Glasgow, G20 0SN (“the Property”)**

**Parties:**

**Mr Christopher Evans, care of DJ Alexander Lettings LTD, 1 Wemyss Place,  
Edinburgh, EH3 6DH (“the Applicant”)**

**Ms Man Chu Wong, 3 Lochburn Gate, Glasgow, G20 0SN (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that a Payment Order be granted against the  
Respondent in the sum of Four Thousand Five Hundred Pounds Sterling  
(£4,500)**

**Introduction**

This is an application under Rule 70 and Section 16 of the Housing (Scotland) Act 2014.

Intimation of the application and the Case Management Discussion (CMD) was served upon the Respondent by Sheriff Officers on 20 October 2020.

An initial CMD took place on 18 November 2020. The applicant was represented by Miss Dayna Greeney of DJ Alexander Lettings Ltd. The respondent joined the hearing personally and represented her own interests. It quickly became apparent that the Respondent was not able to fairly participate in the hearing speaking English. Her primary language is Cantonese.

It was necessary to postpone consideration of the application to a new date to enable the Respondent to communicate with an interpreter. It was not in the interests of justice to determine the application at that time given the communication barrier for the Respondent. She was able to advise that she acknowledges that rent has been unpaid for a number of months.

The fresh CMD took place on 7 January 2021 at 10 am. The applicant was again represented by Miss Dayna Greeney of DJ Alexander Lettings Ltd. The respondent joined the hearing personally and represented her own interests. A Cantonese interpreter, Mr Quinzhong Liang, ensured she could participate fully in the hearing.

### Findings and Reasons

The Tribunal was satisfied that the proceedings were conducted fairly. All relevant matters were explored. The respondent was able to fully and fairly participate.

The property is 3 Lochburn Gate, Glasgow G20 0SN.

The parties entered into a short assured tenancy in respect of the property which commenced on 30 September 2016. The rent was stipulated at the rate of £800 per month, in advance on the 15<sup>th</sup> of each month. A deposit was paid by the respondent in the sum of £1,192.50.

The rent was increased from £800 to £900 per calendar month with effect from 15 April 2018.

The application seeks a payment order to recover arrears of rent legally due under the lease. This related to the respondent's failure to pay the rentals for the months of May, June, July, August and September 2020. This was 5 months' rent at £900 per month which is a total of £4,500. This was the sum outstanding when the application was lodged.

The application was accompanied by a formal rent statement disclosing the five rentals falling due and remaining outstanding.

On 5 November the Applicant's representative emailed the Tribunal an up to date rent statement disclosing that the rent arrears had increased to £5,400 due to another months' rent being unpaid. No formal application to amend in terms of Rule 14A has been made. The applicant's representative advised that there has still been no payments of rent made. The last payment was in April 2020. Any further arrears, beyond that which are to be recovered in this application, will be sought at the end of the tenancy. A Notice to Leave, dated 18 August 2020, has been served upon the Respondent.

The applicant seeks to recover the £4,500 of unpaid rent for the months of May to September 2020.

The applicant is entitled to recover unpaid rent due under and in terms of the lease between the parties.

The respondent accepted that the rent was due and did not any legal defence to the application.

Enquiries were made with the respondent about any potential wish to make payment of the sum by instalments. No time to pay application had been made. The respondent has no formal sources of income. She has no earnings. She has no savings. She relies upon discretionary payments to her by her ex-husband. There is no legal obligation upon him to make such payments. He has not reliably made such payments recently. In the circumstances it was accepted that there could be no confidence that the respondent could meet instalment payments. A time to pay direction would be unreasonable. In the circumstances there was no formal time to pay application process undertaken. The applicant's representative indicated a willingness to enter into an informal arrangement with the respondent to receive the sum at a rate of £200 per month.

A payment order was made against the respondent in the sum of £4,500. The Tribunal relied upon the unchallenged documentary evidence and submissions of the applicant's representative, together with the respondent's admissions.

### **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.**

# Richard Mill

7 January 2021

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Legal Member/Chair

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Date