



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section under Section 16 of the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/CV/21/0278

Re: Property at 9 Queen Victoria Street, Airdrie, ML6 0DL (“the Property”)

Parties:

Mr Rohit Santa, 103 Granville Road, Uxbridge, UB10 9AF (“the Applicant”)

Mr Darshan Singh, 9 Queen Victoria Street, Airdrie, ML6 0DL (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant a Payment Order against the Respondent in the sum of £3,469.17

Introduction

1. This is an application under Rule 111 for a Payment Order. A separate application has been raised under reference HPC/EV/21/0273 for an order for eviction.
2. The Respondent was the sole tenant. He entered into a tenancy agreement on the 11th of January 2019. The tenancy agreement specifies that £425 is due in respect of rent each calendar month payable in advance.
3. The Applicant asserts that the Respondent has accrued rent arrears, as at the date of the application, in the sum of £3,469.17

4. The two-member case management discussion took place at 10.00 am on 7th May 2021. The hearing preceded remotely by telephone conference. The Applicant's representative, Miss McGuire joined the hearing. We were grateful to Miss McGuire for her patience and understanding. We were satisfied that the hearing was fair and that all participants were able to put their points across and hear each other. No obvious issues arose.
5. The Respondent failed to engage with the application. We decided to continue with the hearing in the Respondent's absence after satisfying ourselves that all the relevant paperwork had been properly served on the Respondent and that he was notified of today's hearing.
6. Miss McGuire informed us that the Respondent has vacated the property. The arrears at the date of application were in the sum of £3,469.17. Since then, the Respondent has failed to make any payments however the Applicant does not wish to make an amendment of the sum sued for. The Applicant understands from speaking to the Respondent that he has been in and out of work since 2019. He has been on and off of Universal Credit, as can be seen from the August 2020 payment in the sum of £300 towards rent. The Applicant had contacted the local authority in an attempt to have the rent paid directly to the landlord, however this was not possible because of the sporadic universal credit claims.
7. As can be seen from the rent schedule, the Respondent fell into arrears on the 11th of May 2019 and remained in arrears until the 11th of October 2019. However, rent arrears accrued again from the 30th of November 2019 and continued rising from £694.17 to £3,469.17 to the 31st of December 2020. It is clear that the Respondent has made attempts to bring the rent account up to date from time to time however it nevertheless remains clear that the arrears are substantial and have remained over a considerable period of time.
8. The Respondent has not engaged with the Housing and Property Chamber in anyway. Accordingly, we were satisfied that the applicant is entitled to a Payment order in the sum of £3,469.17 representing arrears as at 31 December 2020. The Respondent has expressed no intention of paying that sum.
9. As stated before, we were satisfied that the Respondent had failed to engage with the application. As such there is no challenge to the sum sued for. We were satisfied, having regard to the tenancy agreement and rent payment schedule

that the sum sued for is owed by the Respondent to the Applicant. Accordingly, we decided to grant a Payment Order in the sum requested.

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: Lesley-Anne Mulholland

Date: 7 May 2021