



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/21/1261

Re: Property at Flat 1/2, 104 Berkeley Street, Glasgow, G3 7HY (“the Property”)

Parties:

Mr Abdul Khaliq, Not provided, Not provided (“the Applicant”)

Mr John Grove, Flat 1/2, 104 Berkeley Street, Glasgow, G3 7HY (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

Background

The Applicant seeks a Payment Order against the Respondent for alleged rent arrears in respect of a tenancy between the parties at the Property. The sum claimed is £8,150.00. The Applicant has produced a copy of the tenancy between the parties and a detailed rent statement showing the sums claimed together with email exchanges between the parties.

The Case Management Discussion

The Application called for a Case Management Discussion by conference call at 10 am on 23 July 2021. The Applicant was represented by Mr Ullah of Letsbwise Glasgow Ltd.

There was no appearance by or on behalf of the Respondent. Sheriff Officers had served intimation of today's Tribunal and information about how to join the conference call on the Respondent on 16 June 2021.

The Tribunal therefore decided to proceed in the absence of the Respondent. Having considered all the information before the Tribunal and having heard from Mr Ullah, the Tribunal made the following findings in fact.

Findings in Fact


- I. *The Applicant entered into a tenancy of the Property with the Respondent and a Ms Rosemary Smith which commenced on 12 July 2012;*
- II. *Ms Smith passed away a few years later and is not party to this Application;*
- III. *The Applicant is the landlord in respect of that tenancy and the Respondent is the tenant;*
- IV. *The monthly rent due in respect of the tenancy was £750.00 per month although this sum was increased to £850.00 per month in 2018;*
- V. *The Respondent has a son called Shaun who assists the Respondent with managing emails and communicating with the Applicant;*
- VI. *The Respondent has fallen into rent arrears and the sum sought in the Application, £8,150.00 has fallen due but remains unpaid;*
- VII. *The Applicant has attempted to resolve these matters by communicating with the Respondent through his son but no resolution has been reached;*
- VIII. *There is no valid reason why the sums claimed as rent arrears have not been paid.*

Reasons for Decision

Having made these findings in fact, the Tribunal decided to grant the Application and make a Payment Order in favour of the Applicant against the Respondent in the sum of £8,150.00. Interest will run on that sum at the rate of three per cent per year from today's date until payment.

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.


Andrew McLaughlin

23 July 2021

Legal Member/Chair

Date