



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/21/1788

Re: Property at 478 Castlemilk Road, Glasgow, G44 5PS (“the Property”)

Parties:

Ms Christine Davies, 7/1, 104 Lancefield Quay, Glasgow, G3 8HF (“the Applicant”)

Mr Graeme Ferguson, 478 Castlemilk Road, Glasgow, G44 5PS (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant seeks a Payment Order in respect of rent arrears said to have been accrued by the Applicant at the above Property under a Short Assured Tenancy between the parties. The Applicant had supplied a copy of the tenancy agreement and a rent statement in support of the sums claimed as rent arrears. The Applicant sought a Payment Order in the sum of £647.84.

The Case Management Discussion

The Application called as a Case Management Discussion by conference call at 10 am on 23 September 2021. The Application called alongside the related Application of FTS/HPC/EV/21/1785. That Application was in respect of an Eviction Order. The Applicant was represented on the call by Mr Piggot of Lindsays. There was no

appearance by or on behalf of the Respondent. The Application together with details about how to join the conference call had been served on the Respondent by Sheriff Officers on 23 August 2021. The Tribunal therefore considered it appropriate to proceed in the absence of the Respondent.

The Tribunal refused the Applicant's request to have the sum claimed amended to reflect the alleged up to date rent arrears. The proper procedure set down in the Rules had not been followed and accordingly the Respondent did not have fair notice that the claim against him was to be in excess of the sum set out in the Application that had been served on him.

The Tribunal heard from Mr Piggot and having considered the relevant documentation, made the following findings in fact.

Findings in Fact

- I. The parties entered into a tenancy at the Property which commenced on 13 October 2015;*
- II. The Applicant was the landlord and the Respondent was the tenant;*
- III. The tenancy agreement was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988;*
- IV. The contractual monthly rent due to be paid by the Respondent to the Applicant was £575.00;*
- V. The Respondent fell into rent arrears;*
- VI. The sum claimed in the Application of £647.84 is lawfully due by the Respondent to the Applicant as rent but remains unpaid;*
- VII. The Applicant has previously obtained a Payment Order against the Respondent for other sums of rent not accounted for in this Application.*

Reasons for Decision

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £647.84 with interest to run on that sum at the rate of 5 per cent 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 September 2021

Legal Member/Chair

Date