



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1805

Re: Property at 41 Hartlaw Crescent, Glasgow, G52 2JJ (“the Property”)

Parties:

Mrs Tammi Clark, 55 Greengairs Avenue, Glasgow, G51 4LH (“the Applicant”)

Miss Lynsey Lansdowne, 154 Hillington Road South, Glasgow, G52 2AR (“the Respondent”)

Tribunal Members:

Alison Kelly (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 in the amount of £6280.51 should be made.

Background

On 26th July 2021 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”), seeking payment of arrears of rent in the amount of £6344.96.

Lodged with the application were:-

1. The Tenancy Agreement showing a start date of 16th July 2019 and rent due of £595 per 4 weeks;
2. Rent Statement;
3. Emails between the parties.

On 30th August 2021 the application and Notice of Case Management Discussion were served on the Respondent by Sheriff Officer.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was present and was represented by Fiona Robinson. There was no attendance by the Respondent or any representative on her behalf.

The Tribunal explained the purposes of a CMD in terms of Rule 17 of the Rules.

Miss Robinson told the Tribunal that she was seeking a payment order in the amount of £6280.51. She said that the Respondent had been evicted from the property on 30th June 2021, and the arrears at that time were £6280.51. She said that the Respondent had withheld rent, ostensibly because she said repairs required to be done, but she had not allowed anyone in to the property to carry out the repairs. The Respondent caused a lot of damage to the property before she left.

Findings in Fact

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The Tenancy Agreement had a commencement date of 16th July 2019;
3. The Respondent left the property on 30th June 2021;
4. The arrears are £6280.51.

Reasons for Decision

The Respondent was in arrears of £6280.51.

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.

A. Kelly

Legal Member/Chair

1st October 2021

Date