

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2973

26 Stewarton Road, Glasgow, G46 7UZ

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £29,638.13. The Applicant had lodged with the Tribunal Form F. The documents produced were a Short Assured Tenancy agreement dated 10 June 2010 and a form AT6 dated 13 May 2021, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003, and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 10.00am on 18 March 2022 by telephone conference. The Applicant was represented by Ms K Donnelly, of T C Young & Co, solicitors. The respondent was neither present nor represented. The time, date, and place of the case management discussion had been intimated to the respondent by Sheriff Officers.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Short Assured Tenancy Agreement for the Property dated 10 June 2010. In terms of the tenancy agreement the respondent agreed to pay rental at the rate of £1,100.00 per month. The monthly rental was subsequently reduced to £850.00.
2. The respondent has not made a full payment of rental since May 2017. The respondent has not paid any rental since August 2019. At the date of application

there were arrears of rent totalling £29,638.13. Today, there are rent arrears totalling £30,038.13.

3. Until February 2017 the respondent had been entitled to housing benefit, but the housing benefit entitlement accounted for only a portion of the monthly rental, leaving a balancing payment to be made by the respondent. The respondent did not always make that balancing payment so that the arrears have steadily increased.

4. On 14 May 2021 the applicant served a form AT6 on the respondent. On 29 November 2021 the applicant submitted this application to the tribunal.

5. The respondent has not made a full payment of rent since May 2017. The respondent has not paid any rental since August 2019. At the date of application there were nearly 3 years arrears of rental. At today's date arrears of rental total £30,038.13.

6. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £29,638.13 together with interest at 2% per annum from 18 March 2022 until final 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.

P. Doyle

Legal Member

Date: 18 March 2022