



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) Act 2016

Chamber Ref: FTS/HPC/CV/22/0648

Re: Property at 34 Greenwood Quadrant, Clydebank, G81 2RE (“the Property”)

Parties:

Mr Gary Swan, Mrs Laura Swan, 1 Dunellan Drive, Duntocher, Clydebank, G81 6NW (“the Applicant”)

Miss Pauline Doogan, 34 Greenwood Quadrant, Clydebank, G81 2RE (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicants in the sum of TWO THOUSAND SEVEN HUNDRED AND TWENTY FIVE POUNDS (£2725.00) STERLING. The order for payment will be issued to the Applicants after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. This is an application dated 1 March 2022 made by the Applicants’ agent for an order for payment of rent arrears under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement signed and dated 24 October 2018, a rent statement to 24

February 2022 showing arrears of £1450, and an intimation of new landlords to the Respondent intimated on 13 August 2021.

3. On 12 April 2022 the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 17 May 2022 the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 21 June 2022. The Respondent required to lodge written submissions by 7 June 2022. This paperwork was served on the Respondent by Robert Weir, Sheriff Officer, Glasgow on 18 May 2022 and the Execution of Services was received by the Tribunal administration.
5. On 6 June 2022 the Applicants’ agent sent an up to date rent statement showing arrears of £2725. They confirmed on 9 June 2022 that they were seeking to increase the sum sought in terms of Rule 14A of the Regulations

Case Management Discussion

6. The Tribunal proceeded with a Case Management Discussion on 21 June 2022 by way of teleconference. The Applicants were represented by Ms Gabriel from Clydebank Estate and Letting Agents. There was no appearance by or on behalf of the Respondent despite the teleconference starting 10 minutes late to allow the Respondent plenty of time to join. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
7. The Tribunal had before it the Private Residential Tenancy Agreement showing the Landlord as Elaine Conway and the Respondent as tenant signed and dated 24 October 2018, a rent statement to 24 February 2022 showing arrears of £1450, an intimation of new landlords to the Respondent intimated on 13 August 2021 and a date rent statement showing arrears of £2725 to 6 June 2022
8. Ms Gabriel moved the Tribunal to grant an Order for payment of £2725. She explained with reference to the rent statement that the last payment to rent was of £450 on 6 May 2022. That payment and the payment of £450 in April had been made by Universal Credit. She explained that she had contacted Universal Credit to ascertain why further payments were being made. She had been unable to get any detailed information from Universal Credit other than the Respondent was no longer entitled to Universal Credit. There had been no contact with the Respondent recently. A colleague of Ms Gabriel had visited the Property where the Respondent had answered the door with her partner in the lounge. The Respondent advised she was unable to make any payments towards her rent at that time due to a change in her circumstances. The Respondent was still not engaging with them.

9. The Tribunal noted that in terms of Clause 8 of the tenancy agreement the Respondent had agreed to pay monthly rent for the Property and the Applicants were now the Landlords in terms of the intimation of 13 August 2021.

Findings in Fact

10. The Respondent entered into a Private Residential Tenancy Agreement dated 24 October 2018 in relation to the Property with Elaine Conroy. She agreed to pay monthly rent of £695 in terms of Clause 8.
11. By way of intimation of 13 August 2021 the Applicants' agents intimated on the Respondent that the new Landlords of the Property were the Applicants.
12. The Respondent has fallen into arrears of rent of £2725. The last payment to account was by Universal Credit of £450 on 6 May 2022.

Reasons for Decision

13. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Ms Gabriel.
14. The Tribunal noted the terms of the tenancy agreement, the rent statements lodged which set out how the arrears had arisen and showed the total arrears of £2725. Ms Gabriel had produced evidence of persistent non-payment of rent. She had shown with the rent statements that arrears were increasing. Accordingly the Tribunal was satisfied that the sum sought should be increased in terms of Rule 14A. The Tribunal was satisfied on the basis of the documents, together with Ms Gabriel's submissions that the order for payment in favour of the Applicants be granted in the increased sum.

Decision

15. The Tribunal granted an order for payment of £2725.

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.

S. Evans

21 June 2022

Legal Member

Date