



**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/22/0823**

**Re: Property at 8 Bucklaw Gardens, Glasgow, G52 3ST (“the Property”)**

**Parties:**

**Adolphus Properties Limited, c/o 2 North Kirklands, Eaglesham, Glasgow, G76 0NT (“the Applicant”)**

**Miss Gemma Rooney, 8 Bucklaw Gardens, Glasgow, G52 3ST (“the Respondent”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of Three Thousand Two Hundred and Fifty Pounds Only (£3250.00) be made against the Respondent and in favour of the Applicant.**

**Background**

1. This application for a payment order in terms of Rule 111 of the tribunal rules of procedure was first made on the 21st of March 2022 and accepted by the tribunal on the 8th of April 2022. A case management discussion was fixed for 17th June 2022 at 10:00am.

**The Case Management Discussion**

2. The Applicant did not attend the case management discussion but was represented by Mr. Lee of BE-RENTED Ltd. There was no appearance by or on behalf of the Respondent. The Tribunal noted that the application and supporting papers had been served at the property address by sheriff officers placing these through the letterbox

there on 16th of May 2022. The Tribunal was therefore satisfied that the Respondent had received fair notice of the proceedings and that it was appropriate to proceed in her absence.

3. The Tribunal had sight of the application, a tenancy agreement, rent statements and a letter of authorisation for the Applicant's representative to act.

4. The Applicant entered into a private residential tenancy with the Respondent at the property with effect from 17<sup>th</sup> March 2020. The monthly rent payable in advance on 1<sup>st</sup> of each month is £650. No rent has been paid for a year although the tenancy continues. The Respondent had lost a job during the pandemic and had subsequently been in receipt of benefits. The Letting Agents had made a number of attempts to obtain payment of rent directly from benefit due to the Respondent, but these had been refused. Attempts had been made to set up payment plans with the Respondent, but these also had not been successful. The Respondent had been referred to CAB and Shelter for advice. The Tribunal was advised that there had been a previous payment order granted which covered unpaid rent up to the start of December 2021 and the order being requested was for the period of 1<sup>st</sup> December 2021 until the end of April 2022, being rent arrears accrued over a period of 5 months. The Tribunal was advised that it was understood that the Respondent might be vacating the property as of the date of the case management discussion and Mr Lee indicated he would pass to the Tribunal any new address he received for the Respondent.

5. The Tribunal queried whether a deposit had been paid at the start of the tenancy and Mr Lee confirmed that a deposit of £650 had been paid and might perhaps be required to be used to cover issues at the property, but this would be confirmed when the property was vacated.

6. The Tribunal was satisfied that it had sufficient information upon which to make a decision and that the proceedings had been fair.

### **Findings in Fact**

7. The Applicant and Respondent entered into a tenancy agreement at the property with effect from 17<sup>th</sup> March 2020.

8. The monthly rent payable is £650.

9. The Respondent fell into rent arrears after losing her job.

10. Rent arrears accrued for the period between December 2021 and April 2022 amount to £3250.

11. The Applicant's representatives attempted to set up payment plans with the Respondent and seek payment of rent directly from benefit, but these attempts were unsuccessful.

12. The sum of £3250 is lawfully due to by the Respondent to the Applicant by way of rent arrears.

### **Reasons for Decision**

The Tribunal was satisfied that it was appropriate to make a payment order given that efforts had been made to recover the rent arrears which had been unsuccessful, and the application was therefore necessary.

### **Decision**

The Tribunal determined that a payment order in the sum of Three Thousand Two Hundred and Fifty Pounds Only (£3250.00) be made against the Respondent and in favour of the Applicant.

### **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.**



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**Legal Member/Chair**

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**17.6.22**  
**Date**