

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/CV/22/1890

Re: Property at 2/5 33 Dalintober Street, Glasgow, G5 8JZ (“the Property”)

Parties:

Omar Ali, 10 Melfort Avenue, Glasgow, G41 5LQ (“the Applicant”)

Danielle Purves, 2/5 33 Dalintober Street, Glasgow, G5 8JZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £23,200.00 with interest to run on that sum at the rate of 4 per cent per year from today’s date until payment.

Background

The Applicant seeks a Payment Order in the sum of £23,200.00 for rent arrears said to have been accrued by the Respondent under the terms of a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement between the parties which commenced on 1 May 2015 together with a previous tenancy between the parties which was also in respect of the Property and which had commenced on 1 August 2012. A rent statement has also been submitted.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 13 October 2022. The Applicant was represented by Mr Snop of Gilson Gray solicitors although latterly Mr Scott Runciman substituted in for Mr Snop when the Tribunal sought particular clarification about the absence of a Form AT5 in respect of the present tenancy which commenced on 1 May 2015. That matter was relevant to a related Application in respect of an Eviction Order which called alongside this Application. Intimation of the Application and details of how to join the conference call had been competently served on the Respondent by sheriff officers and so the Tribunal decided to proceed in the Respondent's absence.

Having heard from the Applicant's representatives, the Tribunal adjourned to consider the Application. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant and the Respondent entered into a tenancy agreement whereby the Applicant let the Property to the Respondent;*
- II. *The contractual monthly rent was £695.00;*
- III. *The Respondent fell into rent arrears and at present the sum claimed of £23,200.00 is lawfully due as rent to the Applicant by the Respondent but remains unpaid;*
- IV. *There is no reason before the Tribunal which provides any explanation for the Respondent having fallen into such a high level of rent arrears;*

Reasons for Decision

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £23,200.00 with interest to run on that sum at the rate of 4 per cent per year 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

Legal Member/Chair

13 October 2022

Date