

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)**

**Chamber Ref: FTS/HPC/CV/22/4302**

**Re: Property at 70 Spruce Road, Arbonhill, Cumbernauld, Glasgow, G67 3DR (“the Property”)**

**Parties:**

**Ms Sylvia Doyle (Now Reilly), 27 Glen Lochay Gardens, Glasgow, G68 0DY (“the Applicant”)**

**Ms Chloe Cameron, 70 Spruce Road, Arbonhill, Cumbernauld, Glasgow, G67 3DR (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (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 by the Respondent in the sum of £7,322.08 should be made in favour of the Applicant.**

**Background**

1. By application received 1 December 2022, the Applicant originally sought a payment order against the Respondent in the sum of £5,672.55 in respect of rent arrears. Supporting documentation was submitted with the application, including a copy of the tenancy agreement and a rent statement.
2. Following further procedure, the application was subsequently accepted by a Legal Member of the Tribunal acting with delegated powers from the Chamber President who issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations on 3 March 2023. Notification of the application was made to the Respondent and the date, time and arrangements for a Case Management Discussion (“CMD”) were intimated to both parties, advising of

the date by which any written representations should be lodged (8 May 2023). Said notification was served on the Respondent personally by Sheriff Officer on 18 April 2023. No written representations were lodged by the Respondent.

3. By email dated 28 April 2023, the Applicant's agent submitted an application to amend the Application in terms of Rule 14A of the Regulations to increase the sum sought to £7,322.08, together with an updated Rent Statement and copies of communications from the Applicant to the Respondent dated 22 December 2022, 25 January 2023, 24 February 2023, 29 March 2023 and 22 April 2023 in respect of the rent arrears outstanding. This documentation was circulated by the Tribunal Administration to the Respondent on 5 May 2023.

### **Case Management Discussion**

1. A Case Management Discussion ("CMD") took place by telephone conference call on 22 May 2023 at 2pm, attended by Ms Bernadette Baxter, Solicitor for the Applicant from Mellicks Solicitors. The commencement of the CMD was delayed for 5 minutes to allow an opportunity for the Respondent to join late but she did not do so.
2. After introductions and introductory remarks by the Legal Member, Ms Baxter was asked to address the Tribunal on the Application. Ms Baxter confirmed that an order was sought for payment in the increased sum of £7,322.08 in respect of rent arrears accrued in respect of this tenancy. She made reference to the supporting documentation lodged with the Application and subsequently on 28 April 2023 which included the application to amend the sum sought and an increased rent statement. Ms Baxter confirmed that the rent arrears currently amount to £7,322.08 to April 2023, with the further sum of £350 in respect of the May rental payment in fact due to be added today. The last payment made was from Universal Credit, amounting to £33.49 towards the April rent payment. The Respondent has not personally made any payments towards rent since September 2021. There is the equivalent of almost 21 months of rent currently in arrears. The Respondent has not engaged with the Applicant at all, despite the Applicant having written to her numerous times regarding the arrears situation and where she can seek debt advice, etc. In response to questions from the Legal Member, Ms Baxter advised that the Respondent still resides in the Property and that although the original linked eviction application to this application was withdrawn, there is in fact a fresh eviction application pending before the Tribunal currently to which the Respondent has not made any representations either. No explanation has been offered by the Respondent for the rent arrears and no offers made to enter into a payment arrangement. The Respondent did make reference last year to repair issues at the Property but no further details were provided and she has refused to allow the Applicant access to the Property to inspect. Universal Credit has not been in payment throughout the tenancy and only commenced in July 2022.

### **Findings in Fact**

1. The Applicant is the joint owner and the landlord of the Property.

2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 23 December 2019.
3. The rent due in respect of the tenancy is £350 per calendar month.
4. The rent began to fall into arrears around February 2021 when payments began to be missed altogether or paid erratically.
5. Since July 2022, monthly payments of £33.49 have been received via Universal Credit.
6. The Respondent has not made any payments herself towards rent since September 2021.
7. The last payment towards rent was £33.49 in April 2023 and no payments have been made since.
8. The Applicant has contacted the Respondent about the arrears on numerous occasions but was not given any explanation, nor any proposals for paying the arrears.
9. The Respondent remains in occupation of the Property.
10. The rent arrears outstanding when this Application was submitted to the Tribunal on 1 December 2022 amounted to £5,672.55 and now amount to £7,322.08.
11. The Respondent has not submitted any written representations, nor sought time to pay, in respect of this Application. The Respondent did not attend the CMD.
12. The sum of £7,322.08 is due and resting owing by the Respondent to the Applicant in respect of rent arrears incurred during the tenancy in terms of this Application and has not been paid by the Respondent.

### **Reasons for Decision**

1. The Tribunal considered all of the background papers, including the application and supporting documentation and the oral submissions made by the Applicant's representative at the CMD. The Tribunal noted that no representations had been made by the Respondent and that she did not attend the CMD, having been properly and timeously notified of same. The Tribunal considered that there was nothing to contradict the information from the Applicant and therefore no requirement to continue the application to an Evidential Hearing. The Tribunal was satisfied that, in the circumstances, a payment order in terms of the application could properly be made at the CMD.
2. The Tribunal was satisfied from the information before it that the application on behalf of the Applicant to increase the sum sought had been made timeously

3. The Tribunal was satisfied that the sum sum of £7,322.08 in unpaid rent is due and resting owing by the Respondent in terms of this Application and that an order for payment in that sum should accordingly be made.

**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.**

**Legal Member**

22 May 2023  
Date