



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

Chamber Ref: FTS/HPC/CV/23/1065

Property : 525 Old Edinburgh Road, Uddingston G71 6PN (“Property”)

Parties:

Zara Heaney, 4 Croftbank Crescent, Uddingston G71 7JD (“Applicant”)

Premier Properties, 7a Church Street, Uddingston G71 7PT (“Applicant’s Representative”)

Amy Greenshields, 525 Old Edinburgh Road, Uddingston G71 6PN (“Respondent”)

**Tribunal Members:
Joan Devine (Legal Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £2438.37.

Background

The Applicant sought an order for payment of £2438.37 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 16 May 2022; a schedule of rent arrears, an invoice from Domestic Electrics for £48 for an aborted call out charge and certificate of service by Sheriff Officer evidencing service of the Application on the Respondent on 16 August 2023.

Case Management Discussion (“CMD”)

A CMD took place on 13 September 2023 by conference call. Stephen Kiernan of the Applicant’s Representative was in attendance. There was no appearance by the Respondent. Mr Kiernan told the Tribunal that in recent months payments had been received from universal credit although the payments had been erratic. He said that the current level of arrears was £3787.72. As regards the claim for £48 for a call out charge Mr Kiernan said that a white goods engineer was to attend the Property to fix a freezer door. Three appointments were arranged with the Respondent but the

Respondent did not provide access. The engineer therefore charged £48. The Tribunal noted that no application to amend had been received to increase the sum claimed from that stated in the application.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 16 May 2022.
2. In terms of the tenancy agreement the rent was £675 per month.
3. The Respondent failed to pay the rent for the period 30 November 2022 to 30 March 2023. The unpaid amount was £2390.37 at the date of the application.
4. The Applicant incurred a cost of £48 for a white goods engineer call out charge due to the Respondent failing to give access to the Property.
5. The Application was served on the Respondent on 16 August 2023.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £675 per month. The Respondent had failed to pay the rent for the period 30 November 2022 to 30 March 2023. In addition the Applicant had incurred a cost of £48 for a call out charge. The white goods engineer was unable to gain access to the Property despite the appointment having been booked by the Respondent.

Decision

The Tribunal grants an order for payment of £2438.37.

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.

Joan Devine

Legal Member:

Date: 14 September 2023