



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/23/1861

Re: Property at 1 2/1 Tamshill Street, Glasgow, G20 9QT (“the Property”)

Parties:

LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way, Dunfermline, Fife, KY11 8PL (“the Applicant”)

Mr Mario Bega, Ms Beth Maclean, 1 2/1 Tamshill Street, Glasgow, G20 9QT (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondents)

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 in the sum of £2,003.51 with interest running on that sum at the rate of 8 per cent per year from today’s date until payment.

Summary of Discussion

[1] The Applicant seeks a Payment Order for rent arrears said to be due by the Respondent to the Applicant under a tenancy between the Respondents and a previous landlord which was assigned to the Applicant. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 31 August 2023. The Applicant was represented by Ms Donnelly of TC Young. There was no appearance by or on behalf of the Respondents. Ms MacLean had emailed the Tribunal at 07.45 am on the morning of the Tribunal to say that she was on the island of Mull at her ill Gran's bedside and wouldn't be able to take part. The email was brief and outlined no potential defence to the Application. Considering the whole circumstances of the case, the Tribunal decided to proceed in the absence of the Respondents.

[3] Ms Donnelly explained that the Respondents were still in arrears of rent of the sum of £2,003.51. The arrears had come down since the Application was submitted. A significant lump sum payment of £3,000 had been made on 15 June 2023 but a Payment Order for £2,003.51 was sought. Having heard from Ms Donnelly, the Tribunal made the following findings in fact.

Findings in fact

- I. *The Applicant acquired the landlord's interest in a tenancy agreement whereby the Property was let to the Respondents by virtue of a Private Residential Tenancy;*
- II. *The Respondents fell into rent arrears.*
- III. *The sum of £2,003.51 is resting owed as rent arrears by the Respondents to the Applicant as lawful arrears of rent.*

Decision.

[4] Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicant in the sum of £2,003.51 with interest running on that sum at the rate of 8 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

Date 31 August 2023