



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/21/0758

Re: Property at 0/3, 127 Shuna Street, Glasgow, G20 9QP (“the Property”)

Parties:

Queens Cross Factoring Limited, 45 Firhill Road, Glasgow, G20 7BE (“the Applicant”)

Miss Julieanne Hamill, 2/1, 8 Milovaig Street, Glasgow, G23 5JA (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Janine Green (Ordinary 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 in the sum of £3,700 be granted against the respondent in favour of the applicant.

Summary of Discussion

1. The applicant is the heritable proprietor of the property at Flat 0/3, 127 Shuna Street Glasgow G20 9QP. The property was let to the respondent in terms of a Private Residential Tenancy which commenced on the 25th of January 2018. The respondent agreed to pay the applicant rent in the sum of £558.85 per calendar month. The respondent vacated the property in May 2019 leaving arrears of £3,440.80. The respondent accepts that this sum is due.
2. The applicant was seeking also, a Payment Order in the sum of £1,218.24, representing the cost to reinstate the property to its original condition. An invoice has been provided from P&D Scotland Ltd, dated 3 October 2019 which sets out the items of work to be carried out. This invoice requires to be read

alongside the sheet headed 'Recharge Void Works - 127 Shuna Street, Flat 0/3.'

3. A Case Management Discussion took place on the 17th of May 2021. The respondent did not accept the sum of £1218.24 was due to reinstate the property. A hearing of the application was scheduled for 25th June 2021 and Directions were issued.
4. On 3rd June 2021, Housing and Property Chamber Admin received an email from Kirsty Morrison acting on behalf of the applicant. This advised that parties had reached an agreement whereby the respondent would consent to the granting of an Order for Payment in the reduced sum of £3700 and that they would have discussions to establish whether a reasonable repayment arrangement could be found. The email asked that the hearing scheduled for 25th June 2021 be discharged and that an Order for Possession be granted without the requirement for either party to attend the hearing. The respondent had been copied into the email.
5. Miss Mulholland, Legal Member refused to grant the order without a hearing as there were no attachments to the email and there was nothing from the respondent to indicate that she had agreed to settle the matter in the manner described. Accordingly, the hearing set down for 25th of June 2021 was not discharged.
6. On the 22nd of June 2021 another email was received from the applicant, again asking that the hearing set down for 25th of June 2021 be discharged on the basis that the parties had reached agreement. The applicant asked for an Order for Possession to be granted. As I was not aware of any application for an Order for Possession, I decided to refuse the request. The hearing for the 25th of June 2021 was not discharged.
7. At the hearing on the 25th of June 2021, the applicant was represented by Miss Donnelly of TC Young Solicitors. The respondent failed to appear. We checked with the clerk who confirmed that there had been no communication from the respondent about her failure to appear.
8. Miss Donnelly, in the absence of the respondent, asked us to grant an Order for Payment in the sum of £3,700 in full and final settlement of the application.
9. We considered whether to adjourn today's hearing because of the respondent's failure to attend as the respondent had attended the Case Management Hearing and had entered into communications with the applicant with a view to reaching agreement. Having considered all matters and having regard to the overriding objective, we decided not to adjourn as the respondent had failed to make contact with HPC Admin to advise of any reason for her non-attendance, had failed to respond to directions and as we had email correspondence from the respondent agreeing to the offer to settle the case.

10. After having considered all the information before us, individually and in the round, we decided to grant an order for Payment in favour of the applicant against the respondent in the sum of £3,700 in full and final settlement.

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.

Lesley-Anne Mulholland

Legal Member/Chair

25 June 2021

Date