



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/2779

**Re: Property at 0-1 12 Glenraith Walk, Craigend, Glasgow, G33 5PB (“the
Property”)**

Parties:

**Mrs Ann McKegney, 29 Westerton, Lennoxton, Glasgow, G66 7LR (“the
Applicant”)**

**Miss Janette McKenzie, 11 Inishail Road, Glasgow, G33 5QX (“the
Respondent”)**

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that a payment order be made against the respondent in
the sum of Four Thousand Seven Hundred and Seventy Pounds (£4,770)**

Introduction

This is an application under Rule 70 and Section 16 of the Housing (Scotland) Act 2014. The application seeks to recover arrears of rent.

Intimation of the application and of the Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 15 March 2022.

The CMD took place by teleconference on 4 May 2022 at 2.00 pm.

The applicant was represented Ms Katrina O’Neill, Accounts Manager of Coda Estates. The respondent failed to participate. There was no known barrier to her doing so.

Findings and Reasons

The property is Flat 0-1, 12 Glenraith Walk, Craigend, Glasgow G33 5PB.

The applicant is Mrs Ann McKegney. She is the former landlord. The respondent is Ms Jeanette McKenzie who is the former tenant.

The parties entered into a short assured tenancy validly constituted under the Housing (Scotland) Act 1988. The tenancy commenced on 3 June 2014 for an initial period, continuing until 4 December 2014. The current monthly rent was £530. The respondent vacated the property on 28 December 2021.

The respondent has fallen into arrears of rent. An earlier application seeking arrears of rent under reference FTS/HPC/CV/21/0345 led to a Payment Order being made against the respondent in the sum of £4,236.13 reflecting arrears of rent up to 15 February 2021. The relevant decision of the Tribunal and corresponding order are dated 27 August 2021.

The current application, made in early November 2021, seeks recovery of further payments of rent which had fallen due by then and which have not been paid by the respondent. This is a further nine months' rent. The application is accompanied by a detailed rent account disclosing the payments of rent which have fallen due and the arrears. This is a credible and reliable item of documentary evidence and the Tribunal attached weight to it. This discloses that the last rent receipt was received on 27 November 2020. As at the time that this application was submitted to the Tribunal on 9 November 2021, the total arrears stood at £9,006.13. The previous Payment Order reflected arrears of £4,236.13. The additional sum sought in this application is £4,770.

The applicant is entitled to recover arrears of rent lawfully due under and in terms of the lease. The respondent has unreasonably failed or delayed to make payment.

The Tribunal found that it is reasonable and necessary to make a further Payment Order against the respondent in the sum sought of £4,770.

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.

Richard Mill

4 May 2022

Legal Member/Chair

Date