

**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/22/2441**

**Re: Property at 44 Lunan Place, Glasgow, G51 4TT (“the Property”)**

**Parties:**

**Mr Fraser McBean, 17 Shields Court, Glasgow, G53 6NZ (“the Applicant”)**

**Mrs Sharon Warwick, 44 Lunan Place, Glasgow, G51 4TT (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondent for £7155.00 (SEVEN THOUSAND ONE HUNDRED AND FIFTY FIVE POUNDS ONLY).**

**Background**

1. An application was received by the Housing and Property Chamber dated 21<sup>st</sup> July 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 14<sup>th</sup> September 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 24<sup>th</sup> October 2022 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 5<sup>th</sup> October 2022.

3. On 15<sup>th</sup> September 2022, sheriff officers served the letter with notice of the hearing date and documentation upon both of the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 15<sup>th</sup> September 2022.

### The Case Management Discussion

4. A CMD was held on 24<sup>th</sup> October 2022 at 2pm by teleconferencing. The Applicant was present and represented by Mr Ian Troy, Penny Lane Homes. The Respondent was not present or represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
5. Mr Troy said that he thought that this case was for the eviction of the Respondent. The Chair informed him that this case was solely in regard to a payment order for the outstanding rent arrears. The Tribunal Clerk checked the status of the eviction case and noted that it was still with the caseworker. The Applicant or Mr Troy will contact the Housing and Property Chamber to make more detailed enquiries regarding its progress. The Applicant was content to proceed with this case without conjoining them.
6. Mr Troy said that the last contact was in July 2022 by text message. The Respondent said that she was to move out but was trying to do this in a way as not to upset her children. The Respondent was text again on numerous occasions but did not return any of the texts. The Property was visited on 30<sup>th</sup> August 2022 and it was found that the Respondent was still living in the Property. There have been no offers of payment. It is believed that the Respondent is working and that there are no outstanding Universal Credit/Housing Benefit issues. The last payment was in October 2021. The arrears have now risen to £9540. The amount sought has not been amended so the highest that the Tribunal could award is £7155.
7. The Tribunal was satisfied that the outstanding amount for £7155 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

### Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 17<sup>th</sup> March 2020.
9. The Respondent persistently failed to pay her rent charge of £795 per month. The rent payments are due to be paid on 17<sup>th</sup> day of each month.
10. There are no known outstanding Universal Credit/Housing Benefit issues.
11. The arrears sought total £7155. Since making the application the arrears have risen to £9540.

## Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £9540.

## **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.**

Gabrielle Miller

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**Legal Member/Chair**

**24<sup>th</sup> October 2022**

**Date**