



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 (Act)

Chamber Ref: FTS/HPC/CV/21/0850

Re: Property at 37 Gayne Drive, Glenboig, ML5 2RJ (“the Property”)

Parties:

Mr Perwaiz Akhtar, Mr Abdul Haleem, 10 Avonhead Road, Condorrat, Glasgow, G67 4RA (“the Applicant”)

Mr Stephen Devine, 37 Gayne Drive, Glenboig, ML5 2RJ (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £2,080.00.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears of £2,080.

The Tribunal had regard to the following documents:

1. Application dated 7 April 2021;
2. PRTA commencing 21 July 2020;
3. Rent Statement;
4. Written Authorisation for Mr Melvin to represent the Respondent dated 3 June 2021;
5. Certificate of Service of the CMD Notification by Sherriff Officers on the Respondent dated 7 May 2021;

6. Application for amendment to the application dated 4 June 2021;
7. Update schedule of rent arrears as at the date of the CMD.

Case Management Discussion (CMD)

The Applicant did not participate and was represented by Mr Clark. The Respondent participated and was represented by Mr Melvin of the CAB.

The Tribunal set out the process to be followed at the CMD.

Mr Melvin confirmed that the Respondent did not oppose the application to amend or the grant of the order sought. The arrears were admitted. The Respondent was not asking for time to pay at this stage.

The Tribunal granted the Applicant's application to amend to increase the sum sought by way of rent arrears.

After hearing from the Parties and considering the documentary evidence the Tribunal made the following findings in fact:

1. The Parties let the Property under a PRTA commencing 21 July 2020;
2. The rent due was initially £650 per month reducing to £595 per month;
3. The Respondent was in arrears of rent in the sum of £1,190.00 as at 7 April 2021;
4. As at the date of the CMD the arrears of rent were £2,080;
5. The Respondent is due to pay the Applicant the arrears of £2,080.

The Tribunal considered that it had sufficient evidence upon which to make a decision at this stage and the procedure was fair.

The Tribunal found the Respondent due to pay the Applicant rent arrears in the sum of £2,080.00. The Tribunal accordingly granted the order for payment sought in the sum of £2,080.

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.

Alan Strain

4 June 2021

Legal Member/Chair

Date