



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 (Act)

Chamber Ref: FTS/HPC/CV/20/2128

Re: Property at 3/1, 153 Holmlea Road, Glasgow, G44 4AF (“the Property”)

Parties:

Mr Elliot Novillan, C/o 4 Chancellor Street, Glasgow, G11 5RQ (“the Applicant”)

Mr William Malton, 3/1, 153 Holmlea Road, Glasgow, G44 4AF (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for payment be granted in the sum of £8,075.00.

Background

This was an application under Rule 70 and section 16 of the Housing (Scotland) Act 2014 in respect of rent arrears during a tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 8 October 2020;
2. Short Assured Tenancy Agreement (**SAT**) commencing 19 May 2017;
3. Schedule of rent arrears;
4. Sheriff Officer Certificate of Service of CMD Notification on Respondent dated 17 November 2020.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 5 January 2021. The Applicant did not participate but was represented by his letting agents. The Respondent participated and represented himself.

The Respondent's position was that he had informed the Landlord's agents of problems with the white goods in the Property and that these had never been rectified. He did not dispute the amount of rental arrears.

The Tribunal enquired whether he had written to the Landlord or his agents putting them on notice that he was withholding rent unless they repaired the white goods. He confirmed that he had not.

Decision and Reasons

The Tribunal considered the documentation before it and what had been said. The Tribunal was satisfied that it had sufficient information to determine the matter at this stage and that the procedure was fair.

The Respondent accepted the rental arrears were correct and had not informed the Applicant that he was withholding rent. The Respondent did not have any defence to the application for payment.

The Tribunal made the following findings in fact:

1. The Parties entered into a SAT commencing 19 May 2017;
2. The monthly rent was £425.00;
3. As at 19 September 2020 the rent outstanding was £8,075.00

The Tribunal determined that at the order for payment in the sum of £8,075.00 should be granted in the circumstances.

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
Legal Member/Chair

5 January 2021

Date

