



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 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) (Regulations) 2017

Chamber Ref: FTS/HPC/CV/21/2825

Re: Property at 13 Longmeadow, Johnstone, PA5 8PU (“the Property”)

Parties:

Mr Adeel Ahmad, 201 Bromford Road, Birmingham, B36 8HA (“the Applicant”)

Mrs Laura Lupke, 13 Longmeadow, Johnstone, PA5 8PU (“the First Respondent”)

Mr Garreth Alexander, 13 Longmeadow, Johnstone, PA5 8PU (“the Second Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Robert Buchan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the First Respondent pay the sum of FIVE THOUSAND NINE HUNDRED AND ONE POUNDS FIFTY NINE PENCE (£5901.59) to the Applicant.

Background

- 1. This is an application by the owner of the Property in respect of arrears of rent owed by the First and Second Respondents. It states that the Applicant is seeking a payment order of £4,101.59. The application is dated 11th November 2021 and was accepted for determination by the Tribunal on 26th November 2021.**

Case Management Discussion

- 2. A case management discussion was held on 23rd March by audio conference. Ms Kellie Deans of Penny Lane Homes in Johnstone Ltd represented the Applicant. The First Respondent was present.**

Preliminary Matters

- 3. Prior to the case management discussion, the Applicant's agents had intimated on two occasions that it wanted to increase the sum being claimed and its most recent intimation stated that it was seeking an order for £5,901.59.**
- 4. The First Respondent acknowledged that she had received a copy of the most recent rent statement and she accepted that the level of rent arrears is £5,901.59. The First Respondent said that she had no defence to the application being made.**
- 5. The First Respondent said that the Second Respondent is her son and that he left the Property in Spring/Summer 2021 and that she has no knowledge of his whereabouts. She said that she had verbally told the letting agents of this when an inspection of the Property had been carried out and that she had emailed it in December 2021 requesting that his name be removed from the tenancy. Ms Deans said that she was not aware of any verbal intimation but acknowledged that she had received email intimation in December 2021. She said that, before the Second Respondent could be removed from the tenancy, she would need to have written acknowledgement from him.**
- 6. The tribunal indicated that it had some difficulties with making an order against the Second Respondent since, if it accepted what the First Respondent said, he will have no knowledge of the application.**
- 7. Ms Deans considered matters and said that, in the circumstances, she would seek to amend the application to remove the Second Respondent from it. She said that she would consider raising a fresh application against him. The First Respondent raised no objection to this. The tribunal allowed the application to be amended to remove the Second Respondent.**

8. Findings in Fact

- 8.1 The First and Second Respondents and the Applicant are parties to a private residential tenancy in respect of the Property.**
- 8.2 The private residential tenancy is dated 23rd April 2019 and the tenancy commenced on that date.**
- 8.3 The rent payable in terms of the private residential tenancy is £450 per calendar month.**

8.4 The First and Second Respondents are jointly and severally liable to pay rent.

8.5 As at 23rd March 2022, there are arrears of rent amounting to £5,901.59.

Reasons

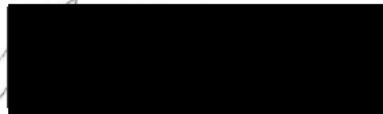
9. The tribunal had a copy of the private residential tenancy dated 23rd April 2019 which set out the terms of the tenancy and detailed that rent of £450 per calendar month was to be paid.

10. The tribunal had a copy of a rent statement which was sent to it by the Applicant's agents on 15th March 2022 which showed that the rent due to be paid on 1st March 2022 had not been paid and that the arrears of rent as at that date were £5,901. 59.

11. The First Respondent accepted that the level of rent arrears is £5,901 59 and offered no reasons why a payment order should not be made.

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.

A black rectangular box redacting the signature of Martin J. McAllister.

**Martin J. McAllister
Legal Member
23rd March 2022**