



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/21/0694

Re: Property at 138 Crookston Avenue, Glasgow, G52 3PR (“the Property”)

Parties:

Mrs Sonia Tahir, 14 Long Kiln Road, Nuneaton, CV10 9FW (“the Applicant”)

Mr David Gildea, Ms Lucy McWilliams, 138 Crookston Avenue, Glasgow, G52 3PR (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in favour of the Applicant in the sum of £9,700.00.

[1] Background

The Applicant submitted an application seeking an order for payment in respect of rent arrears said to have been incurred by the Respondents in respect of their occupation of the property. The Tribunal intimated the application to the parties by letter of 4 June 2021 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 25 June 2021. No written representations were received by the Tribunal.

The case management discussion

[2] The Applicant participated in the case management discussion which took place by conference call. The discussion took place in the absence of the Respondents. The Applicant relied upon the rent statement lodged, which shows that arrears of £9,700 were due as at May 2021. The Applicant made a previous application for an order for payment under chamber reference FTS/HPC/CV/20/1806, but withdrew that application because the Respondents offered to pay the arrears of rent at the rate of £400 in addition to ongoing rent. The Applicant advised that the Respondents failed to adhere to that proposal and the only payment made was in January 2021. The Applicant advised that the arrears of rent have increased to £12,100, but she moved for an order for payment in the sum of £9,700 which is reflected in the rent statement lodged.

[3] Findings in Fact

- i. The parties entered into a Tenancy Agreement dated 11 May 2019 which commenced 1 June 2019.
- ii. The rent payable was £800 per month, payable in advance.
- iii. As at May 2021, the Respondents incurred rent arrears amounting to £9,700.00.

[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondents had an opportunity to make written submissions, and failed to do so. They also failed to participate in the case management discussion. The Tribunal was satisfied that the Applicant had vouched the rent arrears (by reference to the rent statement). The Tribunal was satisfied that the Respondents are liable to pay rent arrears and therefore granted the order for payment.

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.

N Irvine

Legal Member/Chair

12 July 2021

Date