



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/22/0794

Re: Property at 38 Whirlow Road, Ballieston, Glasgow, G69 6QF (“the Property”)

Parties:

Mr Alan Adie, A A Properties, 160 Wishart Street, Glasgow, G31 2HT (“the Applicant”)

Ms Sarah Bolland, 38 Whirlow Road, Ballieston, Glasgow, G69 6QF (“the Respondent”)

Tribunal Members:

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

Decision in the absence of the Respondent

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 £9,220.08, with interest at the rate of 4% per annum from today’s date until payment.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 3 May 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 4 May 2022. The Tribunal intimated the application to the parties by letter of 21 May 2022 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 Respondent was invited to make written representations by 11 June 2022. No written representations were received by the Tribunal.

4. By email of 6 June 2022, the Applicant sought to amend the sum sued for to £9,220.08 and that application was accompanied by an update rent statement.

The case management discussion

5. The Applicant was represented by Mr Caldwell. The case management discussion took place by conference call and proceeded in the absence of the Respondent. This case called alongside the related case which proceeds under chamber reference FTS/HPC/EV/22/0792. The Applicant's representative explained that the Respondent has been in arrears of rent for some considerable time. The Applicant's letting agent applied for direct payments to be made from the housing element of the Respondent's universal credit claim. Those payments have now ceased and as at today's date, the rent arrears due by the Respondent have increased to £9,870.08. The Applicants' representative sought an order for payment in the sum of £9,220.08 with interest at the rate of 4% per annum.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 1 November 2018.
7. The Respondent was obliged to pay rent at the rate of £650 per month, payable in advance.
8. As at 1 June 2022, the rent arrears due by the Respondent amounted to £9,220.08.
9. As at the date of this case management discussion, the rent arrears due by the Respondent had increased to £9,870.08.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent failed to submit written representations and failed to participate in the case management discussion. The updated rent statement lodged demonstrated that there are significant arrears of rent. There was no material before the Tribunal to indicate that the Respondent disputed the level of rent arrears.

11. The Tribunal observed that the debt due by the Respondent is substantial and has been outstanding for a considerable time. The Tribunal exercised its discretion and awarded interest on the sum due at the rate of 4% per annum from today's date until 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.

Nicola Irvine

Legal Member/Chair

Date: 11 July 2022