



**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/19/1599**

**Re: Property at 9 Lochburn Gardens, Glasgow, G20 0SL (“the Property”)**

**Parties:**

**Mr Greg Brydie, 10 Winchelsea Close, London, SW15 6HE (“the Applicant”)**

**Miss Anna Wojcik, 17 Camden Terrace, Glasgow, G5 0SN; Mr Vikash Ravish, 29A Heron Mews, Ilford, London, IG1 4NW (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal 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 Second Respondent in the sum of £300.00.**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £4,500. That sum related to arrears of rent in respect of the Respondents’ tenancy of the property at 9 Lochburn Gardens, Glasgow. There have been several case management discussions in this case on 2 September 2019, 28 November 2019, 16 July 2020 and today. From the outset, the Respondents admitted the arrears of rent. It was agreed between the two Respondents that the Second Respondent would pay the arrears, but wished to do so by instalments. He did not have sufficient information for the Tribunal to consider an application for a time to pay direction but the Applicant was agreeable to the case management discussion being continued for payments to be made. The last time this case called (16 July 2020). The rent arrear had reduced to £900 and the Second Respondent undertook to pay that sum by weekly instalments of £100.

## **The Case Management Discussion**

The case management discussion took place by conference call. The Applicant took part but the Respondents did not. The Applicant advised the Tribunal that the Second Respondent has paid £600 since the last case management discussion and promised to pay the remaining £300 by today. The Applicant checked his bank account this morning and advised the Tribunal that, as at the time of the case management discussion, the payment had not been received. The Applicant sought an order for payment in the sum of £300 against the Second Respondent only.

## **Findings in Fact**

1. The Applicant and the Respondents entered into a tenancy agreement in respect of the property. The period of the tenancy was from 18 April 2017 to 18 October 2017. Thereafter, the tenancy continued by tacit relocation.
2. The rent payable was £900 per month, payable in advance.
3. The Respondents vacated the property on 28 July 2018.
4. As at the date the present application was made, the Respondents had incurred rent arrears to the extent of £4,500.
5. As at 01 October 2020, rent arrears of £300 were still due to be paid by the Respondents to the Applicant.
6. The Applicant is entitled to the Order sought for payment in the sum of £300 in respect of rent arrears.

## **Reason for Decision**

The Applicant has produced documentation showing the extent of the rent arrears due by the Respondents at the time the present application was presented. The Respondents admitted the rent arrears were due. The Second Respondent was given several opportunities to pay the sum by agreement. He failed to adhere to that agreement, leaving a balance of £300 due. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondents 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.**

**Nicola Irvine**

**01 October 2020**

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**Legal Member/Chair**

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**Date**