

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/18/0723

Re: Property at 63E Beechwood Drive, Renfrew, PA4 0PN (“the Property”)

Parties:

A & M Properties(Glasgow) Ltd, 27 Dowanhill Street, Glasgow, G11 5QR (“the Applicant”) represented by Mrs Anne Halsey (Director)

Ms Elizabeth Angus, 71 Rashieburn, Erskine, PA8 6DU (“the Respondent”)

Tribunal Member:

Joseph C Hughes (Legal Member)

Decision [in absence of the Respondent]

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

BACKGROUND

1. The Applicant was represented by Mrs Anne Halsey (Managing Director).
2. The Respondent did not attend. She intimated to the tribunal by email dated 4th August 2018 that she was unable to attend ‘due to starting a new job’. She stated that she could not afford to take time off.
3. The Respondent was Guarantor in terms of a Short Assured Tenancy dated 11th February 2015. The original tenant was the Respondent’s daughter, Carolyn Angus.
4. There is a Sheriff Officer’s Certificate of Execution of Service dated 9th July 2018 upon the Respondent.
5. The aforesaid email from the Respondent did not seek to challenge the balance on the rent account, namely £703.84. The Respondent referred to making an offer of repayment at the rate of £50 per month until the balance was cleared.
6. The Respondent sought to postpone the Case Management Discussion in her email of 4th August 2018. The Applicant opposed this. The Legal Member refused the request for a postponement. In all the circumstances the Legal

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Member did not consider it appropriate or necessary to postpone the Case Management Discussion, especially in light of the Respondent's acceptance of the sum sought and her offer of payment. Accordingly, the Case Management Discussion proceeded on 14th August 2018.

7. The Respondent sought an Order for Payment and interest at the rate of 8% per annum from the date of service.

FINDINGS OF FACT

8. (i) The Respondent was Guarantor within a Short Assured Tenancy in her daughter's name, Carolyn Angus, in respect of the property at 63E Beechwood Drive, Renfrew, PA4 0PN;
(ii) The tenancy commenced on 11th February 2015. The tenant no longer resides within the property;
(iii) There is an unchallenged balance on the rent account of £703.84;
(iv) The Respondent intimated by email to the Tribunal, dated 4th August 2018, an offer of repayment at the rate of '£50 per month till the balance is cleared'; and
(v) The said balance on the rent account remains outstanding;
(vi) The Applicant has received no payment from the Respondent or her daughter, the original tenant of the property, towards the outstanding rent arrears since lodging her Application dated 21st March 2018 (Form F) with the Tribunal; and
(vii) The Applicant is entitled to an Order for Payment in respect of the unpaid outstanding rent of £703.84.

REASONS FOR DECISION

9. The Respondent does not seek to dispute the outstanding rent due. Indeed she has made an offer of repayment at £50 per month till the balance is cleared.
10. It is therefore appropriate to make an Order for Payment for the undisputed balance of rent namely £703.84.
11. The Applicant requested judicial interest at the rate of 8 per cent per annum from the date of service. The tribunal decline this request.

DECISION

The tribunal granted an Order for Payment against the Respondent for the sum of £703.84.

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

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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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Joseph Hughes

DATE 14th August 2018

'Joseph C Hughes'
Legal Member