



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/19/1372

Re: Property at Flat 5/4, 6 Brabloch Park, Paisley, PA3 4QD (“the Property”)

Parties:

Mrs Kathleen Reid, 16 Kirkview Crescent, Newton Mearns, Glasgow, G77 5DD (“the Applicant”)

Ms Ashleigh Dickson, Flat 5/4, 6 Brabloch Park, Paisley, PA3 4QD (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £3680 should be made.

Background

By an Application dated 3rd May 2019 the Applicant sought an order in terms of Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016 and in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

The Applicant seeks payment of rent arrears due by the Respondent in the sum of £3680.

On 17th May 2019 the Application was accepted by the Tribunal and referred for determination by the Tribunal.

The Case Management Discussion

A Case Management Discussion (CMD) took place on 4th July 2019

The Applicant attended the hearing along with Mrs Anne Boyle from the Applicant's letting agents.

The Respondent did not attend the hearing. Notice of the Application and the CMD had been served upon the Respondent by Sheriff Officers on 3rd June 2019.

The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters. The Tribunal asked various questions with regard to the Application and the Applicant confirmed that she wished the Tribunal to grant the order sought in the Application.

The Applicant confirmed to the Tribunal that there had been no recent contact from the Respondent regarding the sums claimed. She explained to the Tribunal that the sum sought in the Application was the balance of rent due by the Respondent in connection with her occupation of the Property. The Applicant had lodged a statement which set out how arrears of rent in the sum of £3680 had been accrued by the Respondent over the period from 20th December 2017 to 7th May 2019. The Applicant confirmed that the Respondent had not made any payment towards these arrears of rent since the date the application was raised.

Findings in Fact

The Applicant and the Respondent were respectively the landlord and tenant who entered into a tenancy of the property.

The tenant was a Private Residential Tenancy dated 20th December 2017 and executed by both parties.

The tenancy has now terminated and the Tenant vacated the Property on 19th June 2019

Throughout the period of the tenancy the rent due by the Respondent was £600 per month.

As at the date of termination of the tenancy the Respondent had accrued arrears of rent due to the Applicant in the sum of £3680 (being rent arrears accrued to 7th May 2019)

The Respondent continues to owe the Applicant rent arrears in the sum of £3680.

Decision

The order for payment of arrears is granted.

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 Cowan

Legal Member/Chair

Date 4th July 2019

*Insert or Delete as required