

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/1836

**Re: Property at 198 Main Street, Lennoxtown, Glasgow, G66 7ES ("the
Property")**

Parties:

**Bridgeport Investments Limited, Rosemont, 41 New Bartholomew Street,
Digbeth, Birmingham, B5 5QS ("the Applicant")**

**Mr Robert O'Shea, 198 Main Street, Lennoxtown, Glasgow, G66 7ES ("the
Respondent")**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an order is granted against the Respondent(s) for
payment of the undernoted sum to the Applicant(s):**

Sum of THREE THOUSAND FIVE HUNDRED POUNDS (£3,500) STERLING

- Background

An application was submitted by the Applicant under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Said application sought payment of rent arrears due by the Respondent to the Applicant under a tenancy agreement between the parties.

- The Case Management Discussion

A Case Management Discussion took place on 2 October 2018. Gerard McNulty and Connor McNulty of R & G Estate Agents Ltd appeared on behalf of the Applicant. There was no appearance by or on behalf of the Respondent.

The Applicant's representatives moved for an order for payment to be granted. It was pointed out by the Tribunal that the application itself did not specify the amount being sought, however the rent statement lodged appeared to show an arrear of rent due in the sum of £3500. The Applicant's representatives confirmed that this was indeed the sum of the arrear due at the date of the application being lodged.

The Applicant's representative advised the Tribunal that the arrears had continued to rise. They sought payment of the arrears at the date of the case management discussion. Upon being asked to do so by the Tribunal, they were unable to confirm the increased level of rent arrears, nor were they able to produce an up to date rent statement following on from the statement lodged with the application. They simply confirmed that nothing further had been paid. The Tribunal was advised that the Respondent was still believed to be resident in the property.

- Findings in Fact

1. The parties entered into a short assured tenancy which commenced on 30 September 2016
2. In terms of the said tenancy agreement between the parties, the monthly rent due by the Respondent was £500 per month.
3. The arrears due as at the date of lodging the application stood at £3500

- Reasons for Decision

The Tribunal was satisfied that the arrears due as at the date of lodging the application were £3500. The Tribunal was not satisfied that the arrears had continued to rise and a higher sum now fell due, given that the Applicants representatives could neither confirm the current level of arears nor provide an up to date rent statement.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND FIVE HUNDRED POUNDS (£3,500) STERLING

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.

Fiona Watson

Legal Member/Chair

Date

2/10/18.