



**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/19/1729

**Re: Property at Flat 1/2, 126 Ferguslie, Paisley, Renfrewshire, PA1 2XP (“the
Property”)**

Parties:

**Mr Akshay Bhatnagar, 4 Sandy Lane, Liverpool, Hightown, L38 3RR (“the
Applicant”) represented by Vijay Gindha of AVJ Homes 279 Castlemilk Road,
Glasgow G44 4LE**

**Mr Anthony Minchberg, Flat 1/2, 126 Ferguslie, Paisley, Renfrewshire, PA1
2XP (“the Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment of £2670 should be made in
favour of the applicant against the respondent**

Background

This is an application for a payment order and brought in terms of Rule 70
(Application for civil proceedings in relation to an assured tenancy) of The First-tier
Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017
as amended.

The Applicant originally sought in his application payment of arrears in rental
payments of £1,910.00 as at the date of the application

During the course of the Case Management Discussion (CMD), the Applicant sought to amend this figure to £2670 which was the sum due at the date of the hearing. This amendment was not opposed by the respondent and was allowed by the tribunal in terms of Rule 14A of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended

The Case Management Discussion

The applicant was not present at the hearing but was represented by Mr Vijay Gindha from AVJ Homes. The respondent was present.

The tribunal explained the purpose of the CMD. It became clear that there was no dispute between the parties that the respondent owed rent arrears. After discussion and questioning it was agreed that rent arrears at the date of the CMD amounted to £2670. The respondent believed that he may have made one payment of £380 in January 2019 which was not showing on the rent statement but could not produce evidence of that payment and accepted the figure of £2670 as the extant arrears

It was noted that the respondent intended to leave the property at 22 August 2019 and accordingly the figure of £2670 would represent the total rent due to that date.

Findings in Fact

The parties are respectively the landlord and tenant of the property in terms of a tenancy agreement which commences on 22 February 2018

Monthly rent of £380 was due on the 22nd day of each month

As at the date of the CMD, the respondent was in arrears of £2670

Reasons for Decision

The Tribunal has jurisdiction to hear civil proceedings arising from a tenancy such as between the parties in this application.

The Tribunal considered the terms of the tenancy agreement, the admissions made by the respondent during the CMD, the copy updated rent arrears statement provided, and the submissions made by Mr Gindha, and was satisfied that these disclosed an outstanding balance of rent arrears in the sum sought of £2,670.00.

Parties agreed that the tribunal should make an order for payment of that sum by the respondent to the applicant.

Accordingly, the Tribunal will make an order for payment of that sum.

Decision

The Tribunal accordingly grants an order against the Respondent for payment to the Applicant of the sum of TWO THOUSAND SIX HUNDRED AND SEVENTY POUNDS (£2670)

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.

J. B.

Legal Member/Chair

9 August 2019

Date