



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/22/0880

Re: Property at Flat 1/3, 127 Shuna Street, Glasgow, G20 9QP (“the Property”)

Parties:

Queens Cross Factoring Limited, 45 Firhill Road, Glasgow, G20 7BE (“the Applicant”)

Ms Donna O'Brien, 10 Woodstock Avenue, Kirkintilloch, G66 2QB (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order be granted against the Respondent for payment to the Applicant of the sum of Two Thousand Seven Hundred and Ninety One Pounds and Fifty One Pence (£2,791.51)

Introduction

This is an application under Rule 70 and Section 16 of the Housing (Scotland) Act 2014. The application seeks to recover arrears of rent.

Intimation of the application and of the initial Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 16 June 2022.

The CMD took place by teleconference on 29 July 2022 at 2.00 pm.

The applicant was represented by Miss Claire Mullen of Messrs TC Young Solicitors. The respondent failed to participate. There was no known barrier to her doing so.

Findings and Reasons

The property is Flat 1/3, 127 Shuna Street, Glasgow G20 9QP.

The applicant is Queens Cross Factoring Limited. The respondent is Ms Donna O'Brien. The applicant is the former landlord and the respondent is the former tenant. The respondent occupied the property in terms of a short assured tenancy which commenced on 1 November 2013 and ended on 31 May 2017.

During the tenancy, the respondent accrued rent arrears. The security deposit was applied to those arrears and following the ending of the tenancy the respondent has made additional payments towards the arrears.

A detailed rent statement disclosing the balance due has been produced. The tribunal found this to be credible and reliable document and attached weight to it. The sum outstanding as at the date of the hearing is £2,791.51.

Additional sums were sought in the written application relative to repair works required to reinstate the property due to the actions of the respondent. There was insufficient evidence of the damage caused and in the circumstances this component of the application was not insisted upon.

The applicant is entitled to recover arrears of rent lawfully due under and in terms of the lease. The respondent has unreasonably failed to make further payment despite repeated requests to do so.

The Tribunal found that it was reasonable and necessary to make a payment order against the respondent in the sum of £2,791.51.

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.

Richard Mill

29 July 2022

Legal Member/Chair

Date