



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/23/4358

Re: Property at 134 Croftwood Avenue, Glasgow, G44 5JE (“the Property”)

Parties:

Ying Yeung See, 94 Duke Street, Glasgow, G4 0UW (“the Applicant”)

Ms Emma Whittaker, 120 Maxwellton Road, East Kilbride, G74 3LZ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £2,363.85.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 21 February 2024 informing both parties that a CMD had been assigned for 2 April 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to

make written representations by 13 March 2024. No written representations were received.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr George Reynolds and the Respondent represented herself. The Applicant's representative moved for an order for payment to be made in the sum of £2,363.85. The Respondent confirmed that she received a rent increase notice last year, increasing the monthly rent to £787.95. She advised that the tenancy terminated on 4 January 2024 and accepted that she owes the Applicant the sum of £2,363.85. The Respondent did not oppose the application and indicated that she wished to pay the sum by instalments. The Tribunal suggested that the parties discuss an instalment arrangement directly.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 5 August 2022.
6. The contractual rent initially due by the Respondent was £765 per month, payable in advance.
7. The contractual rent increased to £787.95 from 5 October 2023.
8. The Respondent owes the Applicant rent arrears of £2,363.85.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent accepted that she owes rent arrears of £2,363.85 and did not oppose the application. Accordingly, the Tribunal was satisfied that the sum of £2,363.85 is due by the Respondent.

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.

N Irvine

Legal Member/Chair

2 April 2024

Date