



**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/24/2199

Re: Property at 55 Carlibar Road, Barrhead, G78 1AE (“the Property”)

Parties:

**Mr Paul Manson, 18 Stansfield Court, Frankston, South Victoria, 3199, Australia
 (“the Applicant”)**

**Miss Michelle McGhee, 55 Carlibar Road, Barrhead, G78 1AE (“the
 Respondent”)**

Tribunal Members:

Shirley Evans (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) determined to make an order for payment against the Respondent in
 favour of the Applicants in the sum of TEN THOUSAND NINE HUNDRED AND
 EIGHTY FOUR POUNDS AND THIRTY THREE PENCE (£10 984.33) STERLING.
 The order for payment will be issued to the Applicant after the expiry of 30
 days mentioned below in the right of appeal section unless an application for
 recall, review or permission to appeal is lodged with the Tribunal by the
 Respondent.**

Background

1. This is an action for recovery of rent arrears raised in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a tenancy agreement dated 7 October 2011 between the Applicant and the Respondent, an AT5 dated 7 October 2011 and a rent statement showing arrears of £6664.83.

3. On 17 June 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 1 October 2024, the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 8 November 2024. The Respondent required to lodge written submissions by 22 October 2024. This paperwork was served on the Respondent by Stuart Sinclair, Sheriff Officer, Glasgow on 2 October 2024 and the Execution of Service was received by the Tribunal administration.
5. The Respondent did not lodge any written representations by 22 October 2024.
6. On 18 October 2024 the Applicant’s letting agent Mr Nixon sent an up to date rent statement showing arrears of £10,984.33. A copy of this was sent to the Respondent on 23 October 2024.

Case Management Discussion

7. The Tribunal proceeded with the CMD on 8 November 2024 by way of teleconference. The Applicant was represented by Mr Nixon from Rite Home letting agents. There was no appearance by or on behalf of the Respondent despite the teleconference starting 5 minutes late. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence. The case was heard with an application for recovery of rent arrears under reference FTS/HPC/EV/24/2198.
8. The Tribunal had before it the tenancy agreement and AT5 dated 7 October 2011 and the rent statement showing arrears of £10,984.33. The Tribunal considered the terms of these documents.
9. Mr Nixon confirmed he was seeking an order for payment. The arrears had increased to £10 984.33. With reference to the rent statement he explained that from November 2023 when rent stopped getting paid they had written numerous emails and letters to the Respondent requesting she contact them regarding the arrears. She never did. He advised he had contacted the Respondent’s mother who is a local councillor in about April to see whether she could help, but that he had had a frosty reception from her. Although a payment of £600 had been received from Universal Credit on 15 October 2024 he did not know whether they would continue to receive that. He understood the Respondent worked part time. The Tribunal noted the monthly rent was £820.

10. On being questioned by the Tribunal, Mr Nixon advised his client lived in Australia and had a mortgage there. He could not afford to live with the level of arrears accrued by the Respondent.

Findings in Fact

11. The Applicant and the Respondent entered into a Short Assured Tenancy Agreement on 7 October 2011.

12. In terms of Clause 3.1 the Respondent agreed to pay a monthly rent to the Applicant. The current rent is £820 per month.

13. The Respondent has fallen into rent arrears. The current rent arrears are £10 984.33.

Reasons for Decision

14. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Mr Nixon.

15. The Tribunal noted terms of the tenancy agreement and the rent statement lodged which set out how the arrears had arisen and showed the total arrears to £10 984. 33. The Applicant produced evidence of persistent non- payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Mr Nixon's submissions that the order for payment in favour of the Applicant be granted for the sum of £10 984.33.

Decision

16. The Tribunal granted an order for payment of £10.984.33 The decision of the Tribunal was unanimous.

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.

S Evans

10 November 2024

Legal Member

Date