



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/2884

Re: Property at Flat 3/2, 33 Crathie Drive, Glasgow, G11 7XE (“the Property”)

Parties:

Mr Douglas Lockhart, c/o Happy Lets Ltd, 1287 Argyle Street, Glasgow, G3 8TL (“the Applicant”)

Miss Rebecca Greenwood, 30 Titchfield Way, Irvine, KA11 1PP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- This matter called for a Case Management Discussion at 11:30 am on 12 November 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT. The Applicant was represented by Ms Amanda Currie of Happy Lets Ltd. Kira Keaney was also in attendance from Happy Lets Ltd. There was no appearance by or on behalf of the Respondent.
- The Respondent’s absence was no doubt explained by an email that had been sent to the Tribunal administration on the morning of the Hearing seeking a postponement on account of the Respondent coming down with “*Norovirus*”. The email referred to a medical certificate being attached but no medical certificate was in fact attached. The email sent also included the following representation: “*I would also like to note, I will endeavour to pay the outstanding rent by the end of the week.*”
- Before considering this postponement request the Tribunal wished to confirm the Applicant’s position. They were seeking a Payment Order for an amended sum of £1,925.00 on the basis that the Respondent had made separate

payments totalling £1,885.00, leaving a balance of rent due of £1,925.00. It was said the Respondent had also now settled the Deposit.

- Ms Currie lodged an up to date rent ledger which appeared to substantiate the payments received and the amounts left outstanding. Ms Currie also lodged email correspondence which had been sent between the parties. The latest of these emails was dated 24 October 2019 and was sent by the Respondent directly to Ms Currie. It included the following: " *I will be sending over the £1,300 before close of business today but will not be able to send the remaining £635 before 8 November...*"
- This email appeared to acknowledge that at the very least the amount of rent arrears acknowledged by the Respondent as due on 24 October was at least the £1,925.00 now sought in the payment order, albeit that the figures referred to by the Respondent would mean a total due of £1,935.00.
- The Tribunal considered that this also appeared to corroborate the further admission by the Respondent in the email received this morning regarding the postponement request that there remained rent arrears.
- The Tribunal considered that it would not be in the interests of justice to grant the postponement request. There was nothing to suggest that the Respondent had any defence to the Application lodged. Accordingly postponing the hearing would be pointless.
- After considering all the evidence put before it: the rent ledger, the recent emails between the parties and the admission of rent arrears contained within the postponement request, The Tribunal determined that it would make a Payment Order in the sum now sought of £1,925.00.
- The Applicant did not wish for any interest to be accounted for and so the Tribunal made no provision for interest in that Payment Order.

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.



Legal Member/Chair

12/11/19

Date