



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/19/2947

Re: Property at 19 Chrington Green, Uddingston, G71 6TU (“the Property”)

Parties:

Mrs Anna Collisson, C/O 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicant”)

Miss Holly Young, 19 Dykehead Road, Baillieston, G69 7SL (“the Respondent”)

Tribunal Members:

Neil Kinnear (Legal Member)

Decision (in absence of the Respondent)

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

Background

This is an application for a payment order dated 19th September 2019 and brought in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant sought in her application payment of arrears in rental payments of £1,345.21 due by the Respondent in respect of her tenancy of the Property until she vacated it on 16th September 2019.

The Applicant provided with her application copies of the private residential tenancy agreement and a rent arrears statement.

The private residential tenancy agreement had been correctly and validly prepared in terms of the provisions of the *Private Housing (Tenancies) (Scotland) Act 2016*, and

the procedures set out in that Act appeared to have been correctly followed and applied.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 21st October 2019, and the Tribunal was provided with the execution of service.

Case Management Discussion

A Case Management Discussion was held on 20th November 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicant did not appear, but was represented by Ms Joanne Smith, letting agent. The Respondent did not appear, nor was she represented. The Respondent had not responded to this application at any stage either in writing or by any other form of communication.

The Tribunal was invited by Ms Smith with reference to the application and papers to grant an order for payment of the sum of £1,345.21, which is the amount of rent arrears outstanding. She confirmed that no further payments have been received from the Respondent since this application was lodged.

Monthly rent of £500.00 is due to be paid on the 27th day of each month in terms of the private residential tenancy agreement. No payment has been received from the respondent in respect of the payments due on 27th June and 27th July, nor for the period from 27th August to 16th September. Applying a daily rate for that final period of 21 days produces a figure due of £345.21.

Statement of Reasons

The jurisdiction of the Tribunal in relation to Private Residential Tenancies, such as that which applied to the Property, is set by statute. Section 71(1) of the *Private Housing (Tenancies) (Scotland) Act 2016* provides:

"First-tier Tribunal's jurisdiction

- (1) In relation to civil proceedings arising from a private residential tenancy—
- (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
- (2) For the purposes of subsection (1), civil proceedings are any proceedings other than—
- (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution."

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

The Tribunal considered the terms of the tenancy agreement, the copy rent arrears statement provided, and the submissions made by Ms Smith, and was satisfied that

these disclosed an outstanding balance of rent arrears in the sum sought of £1,345.21.

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

Decision

In these circumstances, the Tribunal will make an order for payment by the Respondent to the Applicant of the sum of £1,345.21.

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.

Neil Kinnear

Legal Member/Chair

20/11/19

Date