



**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/18/3526**

**Re: Property at 89 Thurston Road, Hillington, Glasgow, G52 2JQ (“the Property”)**

**Parties:**

**Ms Margaret McAlister, 3 St Georges Gate, 18 George Street, Paisley, PA1 2JB (“the Applicant”)**

**Mr Ludovic Erhard, 89 Thurston Road, Hillington, Glasgow, G52 2JQ (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

**Decision (in absence of the Respondent)**

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

**An order be granted against the Respondent for payment to the Applicant of the sum of One thousand nine hundred and ninety pounds (£1,990)**

**Background**

**This is an application under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ( the 2017 Regulations) for an order for payment against the Respondent in terms of Section 71(1) of the Private Housing ( Tenancies) (Scotland) Act 2016. (the 2016 Act) The Application is dated 24<sup>th</sup> January 2019.**

**Documents before the Tribunal**

- **The Application**
- **Private Residential Tenancy Agreement dated 8<sup>th</sup> December 2017**

- Schedule of rent payments showing arrears of rent amounting to £1,990.

### **The Case Management Discussion**

The Applicant was present and there was no appearance from the Respondent.

### **Preliminary Matters**

It was noted that the Applicant in emailing the Tribunal office has made reference to the respondent seeking legal advice. Mrs McAlister said that she understood that to be the case because she had received a letter from Govan Law Centre in February 2019 when they wrote to her and stated that they represented the Respondent and that they were instructed to write to her because they considered that she was harassing their client. Mrs McAlister said that she had not been harassing the Respondent but merely continuing to try and work with him regarding some sort of payment plan to deal with the arrears.

The Applicant stated that the rent arrears as at 5<sup>th</sup> April 2019 amounted to £2,890 because the level of arrears had increased since the Application had been lodged. The Applicant said that she would be seeking an order for payment against the Respondent for the sum of £2,890. She said that no intimation of the increased sum sought had been made to the Respondent. Mrs McAlister was directed to the terms of Regulation 14 A of the 2017 Regulations. She considered matters and stated that, rather than seek a continuation to allow intimation of an increased sum, she was content to seek an order for £1, 990 which was the sum contained in the Application.

### **Findings in Fact**

1. The Respondent was party to a Private Residential Tenancy Agreement dated 8<sup>th</sup> December 2017.
2. The monthly rent due by the Respondent is £450.
3. The Respondent is in arrears of rent amounting to at least £1,990.

### **Reasons**

The Applicant said that no rent had been paid since January 2019. She said that the current arrears totalled £2,890 and that, on the date she submitted the Application to the Tribunal, the level of arrears was £1,990.

I considered that the documentation submitted with the Application supported the application for an order of payment. I found the Applicant to be credible with what she stated in relation to arrears of rent. The case management discussion had been intimated to the respondent. He had previously

**instructed solicitors in relation to his tenancy but had not arranged for representation at the case management discussion. I saw no reason not to determine the Application today and granted the application for an order of payment of the sum of £1,990.**

### **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.**

**5<sup>th</sup> April 2019**

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**Martin J. McAllister  
Legal Member/Chair**