



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 Housing (Scotland) Act
2014**

Chamber Ref: FTS/HPC/CV/19/3677

Re: Property at Flat 1/2 132 Neilston Road, Paisley, PA2 6QH (“the Property”)

Parties:

Mr Inderbir Singh, 66 Fulbar Crescent, Paisley, PA2 9AS (“the Applicant”)

**Mr Mark Young, Flat 1/2 132 Neilston Road, Paisley, PA2 6QH (“the
Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment in the sum of £6480 should be
made against the Respondent.**

Background

1. By application dated 11 November 2019 the Applicant seeks a payment order against the Respondent. Documents lodged in support of the application include copy tenancy agreement dated 1 July 2018 and a rent statement showing a balance due of £6120 in unpaid rent.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 6 January 2020. Both parties were notified that the application would call before a Legal Member of the Tribunal for a case management discussion (“CMD”) on 3 February 2020 at 10am in Glasgow Tribunal Centre, 20 York Street, Glasgow.

3. On 20 January 2020 the Applicant's representative submitted an updated rent statement showing a balance due of £6480.00. On 24 January 2020 a copy of this was sent to the Respondent.

Case Management Discussion

4. The application called for a CMD on 3 February 2020. A related application ("the eviction application") under Chamber Reference HPC/EV/19/3676 also called. The Applicant was represented by Ms Cochrane, solicitor who was accompanied by Ms Campbell, trainee solicitor. The Applicant did not attend. The Respondent did not attend and did not send any written representations to the Tribunal in advance of the CMD.
5. Ms Cochrane advised the Legal Member that she has had no contact from the Respondent. She confirmed that the Applicant understands that the Respondent is still in occupation of the property. No payment toward the rent account has been made since July 2018 and the balance due in terms of the rent statement submitted on 20 January 2020 is £6480. No offer of payment has been received.
6. Ms Cochrane advised the Legal Member that the Applicant seeks an order for payment in the amended sum of £6480. The Legal Member noted that the application includes a claim for "judicial interest". Following discussion Ms Cochrane confirmed that she was not insisting on the request for interest on the sum sought and withdrew that part of the application.

Findings in Fact

7. The Applicant is the owner of the property.
8. The Respondent is the tenant of the property in terms of a private residential tenancy with the Applicant. The tenancy started on 1 July 2018.
9. In terms of the tenancy agreement the Respondent is due to pay rent at the rate of £360 per month.
10. The Respondent is in arrears of rent in the sum of £6480.
11. The sum of £6480 is due to the Applicant by the Respondent.

Reasons for Decision

12. The Legal Member considered the application, the documents lodged with same and the submission made by the Applicant's representative at the CMD.
13. The Legal Member notes that the tenancy started on 1 July 2018 and is therefore a private residential tenancy in terms of the 2016 Act. In terms of the tenancy agreement the Respondent is due to pay rent at the rate of £360 per

month. The Legal Member is satisfied from the rent statement lodged and the submission made on behalf of the Applicant, that the Respondent has failed to pay rent since July 2018 and currently owes the sum of £6480 in unpaid rent.

14. The Legal Member noted that the updated rent statement was submitted to the Tribunal on 20 January 2020 and a copy sent to the Respondent. The Legal Member is satisfied that the application should be amended to reflect the sum currently due of £6480

15. The Legal Member is satisfied that the Respondent owes the Applicant the sum of £6480 and that an order for payment should be made in favour of the Applicant.

Decision

16. The Legal Member determines that a payment order should be granted against the Respondent for the sum of £6480.

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.

Josephine Bonnar
Josephine Bonnar, Legal Member

3 February 2020