



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/CV/19/3867

Re: Property at 64 Old Monkland Road, Coatbridge, ML5 5EB (“the Property”)

Parties:

Mr Perwaiz Akhtar, 10 Avonhead Road, Condorrat, Glasgow, G67 4RA (“the Applicant”)

Mr Gary Lee Potter, 64 Old Monkland Road, Coatbridge, ML5 5EB (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND AND EIGHTY-SEVEN POUNDS AND NINETY-TWO PENCE (£1,087.92) STERLING

- Background
- 1. An application dated 6 December 2019 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion took place on 18 February 2020. The Applicant was represented by their letting agent, Mr Clark of Aquila Management Services Limited. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 16 January 2020. The Tribunal was satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.
 3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/19/3865 was heard at the same time.
 4. The Applicant's representative moved for the order for payment to be granted in the sum of £1,087.92. The parties had entered into a Private Residential Tenancy Agreement which commenced 27 March 2019. In terms of Clause 8 of the said Agreement the Respondent was due to make payment of rent to the Applicant in the sum of £525 per calendar month. The Respondent was in receipt of partial Housing Benefit but which left a shortfall to be paid by him each month towards the rent. The Respondent had failed to make payment of the rent lawfully due and at the time of submitting the application had fallen into arrears of rent amounting to £1,087.92. Since submitting the application, no further payments had been made by the Respondent. The arrears had commenced in May 2019 and there had been a continuous arrear to date.
- Findings in Fact
5. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 27 March 2019;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £525 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1,087.92.
- Reasons for Decision
6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £525 per month under Clause 8 of the said Agreement between the parties and had failed to do so. He had accrued arrears amounting to £1,087.92 and which fell lawfully due to be repaid to the Applicant.

Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND AND EIGHTY-SEVEN POUNDS AND NINETY-TWO PENCE (£1,087.92) STERLING

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.

Fiona Watson

18 February 2020

Legal Member/Chair

Date