

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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

**Chamber Ref: FTS/HPC/CV/18/3413**

**Re: Property at 64 Cairnswell Avenue, Cambuslang, G72 8SP (“the Property”)**

**Parties:**

**Mr John Chrisp, c/o Holburn Property Management, Suite 45 Geddes House, Kirkton House, Livingston, EH54 6GU (“the Applicant”)**

**Ms Louise McCafferty, 64 Cairnswell Avenue, Cambuslang, G72 8SP (“the Respondent”)**

**Tribunal Member:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £3,107.61.**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £2,332. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at 64 Cairnswell Avenue, Cambuslang, G72 8SP. There have been 3 case management discussions and reference is made to the notes of those discussions.

Since the last case management discussion on 27<sup>th</sup> March 2019, the Applicant has produced copy bank statements showing the payments made by the Respondent from February to December 2018. The Respondent lodged the following:-

- (a) a print out in relation to her Universal Credit claim

- (b) a copy rent statement dated 16<sup>th</sup> February 2018
- (c) a copy letter from South Lanarkshire Council dated 26<sup>th</sup> September 2017
- (d) a copy medication prescription

### **The Case Management Discussion**

The Applicant was represented by Miss Crawford and the Respondent was personally present. The Applicant moved to increase the sum sued for to £3,107.61 which takes account of rent due for January to March 2019. Miss Crawford advised that that the Applicant wrote to the Respondent in October 2017 advising that the rent due in terms of the tenancy agreement would increase with effect from January 2018. However, Miss Crawford accepted that there is no evidence that the Respondent agreed to any increase in rent and therefore an amended rent arrears statement was produced at today's case management discussion.

The Tribunal advised the Respondent that the receipts previously produced by her show payments which have been recorded on the rent statement. A copy of the amended rent statement was provided to the Respondent and she accepted that the sum of £3,107.61 was outstanding in respect of rent arrears. She did however advise that she has some money set aside to make a payment to reduce the rent arrears.

The Respondent had previously lodged photographs of the property and indicated that she had an issue in relation to the condition of the property. This is not a matter that the Tribunal could take account of in determining the present application.

The Tribunal suggested that the Respondent may wish to take legal advice in relation to any issues she has in respect of the condition of the property and also in relation to making a payment to account of the rent arrears.

### **Findings in Fact**

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 5<sup>th</sup> and 12<sup>th</sup> December 2013. The period of the tenancy was from 15<sup>th</sup> December 2013 to 14<sup>th</sup> June 2014. Thereafter, the tenancy continued by tacit relocation.
2. The rent payable was £525 per month.
3. As at the date of the case management discussion, rent arrears amounted to £3,107.61.
4. The Applicant is entitled to the Order sought for payment in the sum of £3,107.61.

### **Reason for Decision**

The Applicant has produced a rent statement which shows that the rent arrears amounted to £3,107.61 at the time the present application was presented. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

  
Legal Member/Chair

15<sup>th</sup> April 2019  
Date