



**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/20/0353

Re: Property at 45 Glenhove Road, Cumbernauld, G67 2LQ (“the Property”)

Parties:

Ms Gillian Hunter, 2a Westmount Park, Newtonards, County Down (“the Applicant”)

Mr Gordon Robbie, Ms Leanne Milne, 45 Glenhove Road, Cumbernauld, G67 2LQ; 45 Glenhove Road, Cumbernauld, G67 2LQ (“the Respondent”)

Tribunal Members:

Alison Kelly (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 amount of £3003.97 should be made.

Background

The Applicant lodged an application with the Tribunal on 31st January 2020 under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, seeking an order for payment in respect of rent arrears.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Statement of Rent Arrears

A Case Management Discussion (“CMD”) was scheduled for 23rd March 2020. However, this CMD was postponed due to the Covid 19 pandemic.

A fresh CMD was fixed for 9th July 2020 at 10am.

Case Management Discussion

The CMD took place by teleconference. The Legal Member instructed the clerk, Miss Forbes, to wait until 10.05 before beginning the CMD, which was to allow the parties time to dial in.

Miss McAtier of Anderson Strathearn, Solicitors, dialled in on behalf of the Applicant. No one dialled in on behalf of the Respondents. The Legal Member was satisfied that the Respondents had received notification of the date and the dial in details, and began the CMD.

Miss McAtier advised the Tribunal that the Respondents still resided in the property. She produced an up to date rent statement to show the current position. She moved that the application be amended to reflect the current arrears, and if the Tribunal was not prepared to allow that she moved that the CMD be adjourned to allow the sum to be amended, and that amendment intimated on the Respondents. The Legal Member was not prepared to grant either motion. The Respondents still reside in the Property and the Applicant could have lodged an amended statement and intimated it prior to this CMD.

Miss McAtier moved the Tribunal to grant a payment order in the amount of £3003.97 as per the application.

Findings In Fact

1. The parties entered in to a Private Residential Tenancy agreement in relation to the property, dated 31st October 2018;
2. The rent was £495 per calendar month;
3. The arrears when the Application was made were £3003.97;
4. The arrears are now higher.

Reasons For Decision

The Respondent owes the Applicant the sum of £3003.97 as at the date of the Application and this sum has not been paid.

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.



Legal Member/Chair

10th July 2020

Date