



**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/EV/21/0743

Re: Property at 197 Curtis Avenue, Glasgow, G44 4NW (“the Property”)

Parties:

Mr Saddiq Mohammed, 191 Titwood Road, Glasgow, G41 4BJ (“the Applicant”)

Ms Susan O’Neill, 197 Curtis Avenue, Glasgow, G44 4NW (“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 of the sum of £32,265.22 should be granted against the Respondent in favour of the Applicant.

Background

1. By application dated 22 March 2021, the Applicant seeks a payment order. A copy tenancy agreement and rent statement were lodged in support of the application.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 13 April 2021. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 14 May 2021 at 10am by telephone conference call. They were provided with a telephone number and passcode and advised that they were required to participate. On 12 May 2021, the Applicant lodged an updated rent statement.
3. The CMD took place on 14 May 2021 at 10am. The Applicant was represented by Ms Caldwell. The Respondent did not participate and was not represented.

She did not contact the Tribunal in advance of the CMD to advise that she would not attend, or lodge written representations.

Case Management Discussion

4. Ms Caldwell advised the Legal Member that neither she nor the Applicant have had any direct contact with the Respondent. She has received correspondence from a solicitor which indicated that the solicitor was providing the Respondent with advice but would not be representing her at the CMD. Ms Caldwell referred the Legal Member to the updated rent statement which shows that the arrears started in August 2015 and that £33,365.22 is currently outstanding. No payments to the rent account have been made since March 2017. However, as this statement was only lodged on 12 May 2021, and may not have been received by the Respondent prior to the date of the CMD, Ms Caldwell advised the Legal Member that a payment order is sought for the sum specified in the rent statement lodged with the application, being £32,265.22. Ms Caldwell also advised that the Applicant applied to the DWP in 2016 for the Respondent's housing benefit to be paid direct to the Applicant, as she was in receipt of this benefit but failing to pass it on. The subsequent payments made to the rent account all came from the DWP. Since March 2017, no further payments have been received. The Applicant does not know whether the Respondent is currently working or in receipt of benefits, such as housing benefit or universal credit. All attempts by the Applicant to communicate with the Respondent regarding the arrears have been unsuccessful. The Applicant has also been unable to get access to the property and lodged a right of entry application with the Tribunal. The Tribunal recently notified the Respondent of a date on which she was to provide access. However, she responded by stating that she would not do so. The Applicant is therefore unaware of the current condition of the property. The Applicant has no information about the Respondent's personal circumstances, due to the lack of contact, but believes that she resides at the property alone. He has received complaints from neighbours about a dog at the property. This is a breach of the tenancy agreement which states that there are to be no pets.
5. Ms Caldwell advised the Legal Member that the Applicant served notices on the Respondent in 2016 but did not follow this up with court action when she failed to vacate the property. An application for an eviction order was lodged with the Tribunal in 2019 but was rejected. Due to personal circumstances, the Applicant did not instruct Ms Caldwell to raise the present application until recently. He has advised her that the high arrears have caused stress and financial problems for him.

Findings in Fact

6. The Applicant is the owner and landlord of the property.

7. The Respondent is the tenant of the property in terms of an assured tenancy agreement dated 22 August 2015.
8. The Respondent is due to pay rent at the rate of £550 per month.
9. The Respondent owes the sum of £32,265.22 in unpaid rent to the Applicant.

Reasons for Decision

10. The application was submitted with an assured tenancy agreement and a rent statement. In terms of the tenancy agreement rent is due to be paid at the rate of £550 per month. From the additional information provided at the CMD, the Legal Member is satisfied that the sum of £32,265.22 is currently outstanding and that an order for payment for this sum should be granted in favour of the Applicant.

Decision

11. The Legal Member determines that an order for payment for the sum of £32,265.22 should be made.

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, Legal Member

14 May 2021