



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/19/1526

Re: Property at 90 2/2 Westmoreland Street, Glasgow, G42 8LQ (“the Property”)

Parties:

Robert Pringle c/o Grant Property Solutions Ltd, c/o 14 Coates Crescent, Edinburgh, EH3 7AF (“the Applicant”)

Mr Volodymyr Ozymko and Ms Petra Gaziova, 90 2/2 Westmoreland Street, Glasgow, G42 8LQ (“the Respondents”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are in breach of the tenancy agreement with the Applicant and has failed to pay rent. The Tribunal accordingly has decided to make an order for payment in the sum of TWO THOUSAND THREE HUNDRED AND FIFTY FOUR POUNDS AND THIRTY TWO PENCE (£2354.32) STERLING. **The order for payment will be issued to the Applicant after expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

Background

1. By application dated 17 May 2019 the Applicant’s agent applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears under a tenancy of the property at 90 2/2 Westmoreland Street, Glasgow, G42 8LQ (“the Property”).

2. On 28 June 2019 the Tribunal gave notification of acceptance of the application to the Applicant and the Respondents under Rule 9 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations").
3. On 5 July 2019 the Tribunal enclosed a copy of the application and invited the Respondents to make written representations to the application by 23 July 2019. The Tribunal advised parties on 5 July 2019 that a Case Management Discussion under Rule 17 of the Regulations would proceed on 14 August 2019. This paperwork was served on the Respondents by Graeme Kirk, Sheriff Officer, Greenock on 8 July 2019 and the certificates of execution of service were received by the Tribunal administration.
4. The Respondents did not make any written representations by 23 July 2019.

Case Management Discussion

5. The Tribunal proceeded with the Case Management Discussion on 14 August 2019. The Applicant was represented by Ms Syme from Grant Property Solutions Ltd. She was accompanied by Ms Murray. The Respondents did not appear and were not represented.
6. The Tribunal had before it a Private Residential Tenancy Agreement between the Applicant and the Respondents signed and dated 7 May 2018 and a rent statement.
7. The Applicant's agent enquired as to whether she could seek a greater sum for the arrears than that sought in the application. The Tribunal explained that in the absence of the Respondents or without formal amendment to the Application which would also be required to be made on the Respondents, the Tribunal was not prepared to allow the sum sought to be increased. She accordingly sought payment for arrears of rent in the sum of £2354.32.
8. She referred the Tribunal to Clause 8 of the Private Residential Tenancy Agreement in terms of which the Respondents agreed to pay monthly rent of £515. The Applicant's agent explained the Respondents had fallen into arrears of rent and that the arrears are increasing. The Respondents had totally ignored the Applicant's agents when they had attempted to contact them. It appeared that the Respondents had cut off all form of communication with the agents. All mobile numbers had been tried but calls were not being accepted or possibly blocked. Ms Syme explained arrears were increasing and no attempt had been made by the Respondents to clear the arrears or pay any rent. The last payment as per the rent statement was £900 on 15 April 2019. She submitted the current arrears had increased to £4245.

Findings in Fact

9. The Applicant and the Respondents agreed by way of a Private Residential Tenancy Agreement dated 5 May 2018 in relation to the Property at 90 2/2 Westmoreland Street, Glasgow, G42 8LQ that the Respondents would pay the Applicant a calendar monthly rent of £515.
10. The Respondents had fallen into arrears of rent. The last payment to account was of £900 on 15 April 2019. As at the date of the Application the arrears stood at £2354.32. Arrears had increased to £4254.
11. The Applicant's agent had attempted to engage with the Respondent to get them to pay rent, but the Respondents had cut off all form of communication and the agent had been unable to speak to them.

Reasons for Decision

12. The Applicant's agent provided evidence of non-payment of rent in the form of a rent statement with reference to the Respondents obligations under Clause 8 to pay monthly rent of £515. On the basis of the evidence produced and the supporting oral submissions made on behalf of the Applicant the Tribunal was satisfied the Respondents were in arrears of rent of the sum sought in the application.

Decision

13. The Tribunal granted an order for payment of £2354.32

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.

Shirley Evans

Legal Member/Chair

14 August 2019.

Date