

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/19/2246

Re : Property at 8-4 Myreslawgreen, Hawick TD9 0JA (“the Property”)

The Parties:-

**Catford Investments Limited, 1 North Bridge Street, Hawick TD9 9BD (“the
Applicant”)**

represented by Charlene Kewin, office manager, Catford Investments Ltd

**James Watson residing at (or care of Curran), 9 Kelso Place, Kirkcaldy KY2
5BG (“the Respondent”)**

The Tribunal comprised:-

Mr David Bartos - Legal member and Chairperson

DECISION

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent shall pay to the Applicant the sum
of ONE THOUSAND TWO HUNDRED AND FIFTY-THREE POUNDS AND FOUR
PENCE (£1253.04) STERLING.**

Background

1. In June 2018 the parties entered into a tenancy of the Property with the Applicant as landlord and the Respondent as tenant. The Applicant seeks an order for payment of rent by the Respondent.
2. On 10 September 2019 the Tribunal had a case management discussion ("CMD") at 14.00 hrs at Heart of Hawick Tower Mill, Kirkstile, Hawick TD9 0AE. It was attended by the Applicant's Charlene Kewin. There was no appearance by or on behalf of the Respondent. The Tribunal noted that Notice of the CMD at to-day's date, time and venue had been given to the Respondent in a letter from the Tribunal dated 8 August 2019 which had been served on him by sheriff officer on 12 August 2019 as per the officer's certificate of citation dated 14 August 2019. Immediately before the commencement of the CMD the Tribunal confirmed that no contact with the Tribunal Office had been made by the Respondent. The Applicant's representative indicated that she was unaware of any contact having been made by the Respondent since the service by sheriff officers. She wished to continue with the CMD. The Tribunal proceeded with the CMD. It took the view that in all the circumstances it was not unfair to the Respondent to proceed with the CMD and that it would be unfair to the Applicant for there to be delay.
3. The Applicant sought an order for payment of £1253.04 being alleged arrears of rent as at 27 June 2019. On 13 August 2019 the Tribunal issued a direction to both parties notifying that it would take that figure as the sum for which an order as sought. The direction also sought the provision of witness statements by no later than 27 August 2019. However no witness statements were provided.
4. The Respondent did not make any written representations to the Tribunal opposing the application or taking issue with the documents lodged by the Applicant's representative.

Facts Not in Dispute Between the Parties

5. The following facts were not in dispute :
 - (a) The Applicant is the owner of the Property. On or about 7 June 2018 the Applicant granted a tenancy of the Property to the Respondent. The tenancy commenced on 7 June 2018 and was under the Housing (Scotland) Act 1988.
 - (b) The tenancy provided for the payment by the Respondent to the Applicant of rent of £ 72 per week payable in arrears on the Friday of each week from 13 July 2018 onwards.

(c) The Respondent has paid none or only part of the full rent due from Friday 27 July 2018 to Friday 28 June 2019 inclusive. The dates that the rent fell due and the amounts paid are as set out in the rent statement produced by the Applicant covering 11 July 2016 to 11 July 2019.

(d) The total amount of rent due and unpaid up to 31 July 2019 is £1253.04 as per the Applicant's statement of rent for the Property from 11 July 2016 to 11 July 2019.

Submission

6. At the CMD the Applicant's representative sought an order for payment of the sum claimed of £1253.04. The representative confirmed that no further payments had been made following the making of the application.
7. The representative submitted that no defence had been stated. The Respondent had never disputed that the rent was due. She had spoken to the Respondent and asked why payments had stopped. He had told her that payments should have been made through his Universal Credit. However apparently he had discovered that the UC payment had been made to his account directly. Nevertheless no further payments had been made.

Reasons

8. The Tribunal considered the application, the oral submission and the documentary evidence submitted for the Applicant. It found that it was able to make sufficient findings in fact and that to do so was not contrary to the interests of the parties. It was therefore able to decide the case at the CMD without a hearing. It could see no benefit to be gained from a hearing which would cause delay.
9. The Tribunal was satisfied that the rent statement was credible and reliable. No doubt was cast on that or the other documentary evidence. On that basis the Tribunal made the findings in fact set out above.
10. The Tribunal accepted that there had been a breach by the Respondent of his duty to pay the rent under the tenancy and that the amount sought remained unpaid. In the circumstances the Tribunal awarded the Applicant the sum of rent sought by it.

Outcome

11. The First-tier Tribunal for Scotland (Housing and Property Chamber) orders the Respondent to pay to the Applicant the sum of One Thousand Two

Hundred and Fifty-three Pounds and Four Pence (£1253.04) Sterling.

Right of Appeal

12. In terms of section 46 of the Tribunals (Scotland) Act 2014 a party aggrieved by the decision of the Tribunal may seek to 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.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

David Bartos

Legal Member

10 September 2019

Date