



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/22/0108

Re: Property at 6 Doune Terrace, Coatbridge, ML5 2HS (“the Property”)

Parties:

Mr Jason McMellin, 32 Garngaber Avenue, Lenzie, Glasgow, G66 4LL (“the Applicant”)

Miss Kailley Fleming, 6 Doune Terrace, Coatbridge, ML5 2HS (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 6th November 2020 the Applicant let the Property to the Respondent;
2. The rent payable was £450.00 per calendar month, payable in advance;
3. The Lease ended on 24th January 2022;
4. Prior to the termination of the Lease the Applicant presented an application to the Tribunal seeking an order for payment of arrears which, as at that date (13/01/22), amounted to £2,329.89;

5. Subsequent to that, the Applicant received payment of backdated housing benefit. This was received directly from the local authority and reduced the arrears of rent. As at the date of the Case management Discussion the amount outstanding was £1,489.35;

THE CASE MANAGEMENT DISCUSSION

6. A Case Management Discussion was assigned for 8 April 2022 at 2pm to be conducted by teleconference. The Applicant did not participate personally in the Case Management Discussion but was represented by Ms L Foote of Rent Locally, Hamilton;
7. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent on 23 February 2022. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs;
8. The Applicant’s representative advised that the arrears of rent had been reduced as a result of backdated housing benefit payments being received from the local authority. The arrears now amounted to £1,489.35;
9. A payment order in that amount was sought. On the basis that the reduction of the amount claimed did not prejudice the Respondent, the Tribunal allowed the amount claimed to be varied and granted an order for payment in that amount;

FINDINGS IN FACT

10. The Tribunal found the following facts to be established:-
 - a) By Lease dated 6th November 2020 the Applicant let the Property to the Respondent;
 - b) The rent payable was £450.00 per calendar month, payable in advance;
 - c) The Lease ended on 24th January 2022;
 - d) Prior to the termination of the Lease the Applicant presented an application to the Tribunal seeking an order for payment of arrears which, as at that time (13/01/22) amounted to £2,329.89;
 - e) Subsequent to that, the Applicant received payment of backdated housing benefit. This was received directly from the local authority and reduced the arrears of rent;
 - f) As at the date of the Case Management Discussion the amount outstanding was £1,489.35;

- g) An amount in the sum of £1,489.35 is due, resting and owing by the Respondent to the Applicant;

DECISION

The Tribunal grants an Order for payment of the sum of ONE THOUSAND FOUR HUNDRED AND EIGHTY NINE POUNDS AND THIRTY FIVE PENCE (£1,489.35) STERLING by the Respondent to the Applicant.

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.

V. C

8TH April 2022

Legal Member/Chair

Date