



**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/20/1520**

**Re: Property at 63 Glover Street, Perth, PH2 0JP (“the Property”)**

**Parties:**

**Mr Ewart Corrigan, Mrs Vyvyan Corrigan, c/o A and S Properties Limited, 7 County Place, Perth, PH2 8EE (“the Applicants”)**

**Miss Lisa MacFarlane, 63 Glover Street, Perth, PH2 0JP (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

**Decision (in absence of the Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is in breach of the tenancy agreement with the Applicants 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 POUNDS (£2300) STERLING. The order for payment will be issued to the Applicant after the 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 15 July 2020, the Applicants’ solicitor applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of the Short Assured Tenancy between the parties signed and dated 11 December 2016, an AT5 also signed and dated 9 December 2016, a Notice to Quit and a Section 33 Notice both dated 2 March 2020 together with a Sheriff Officers’ Execution of Service dated 5 March 2020, a rent statement and a Notice under Section 11 of the Homelessness etc. (Scotland) Act with accompanying email to Perth and Kinross Council dated 15 July 2020.

3. On 12 August 2020, the Tribunal accepted the application under Rule 9 of the Regulations 2017.
4. On 1 September 2020, the Tribunal enclosed a copy of the application and advised parties on that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 30 September 2020. The Respondent required to lodge written submissions by 22 September 2020. This paperwork was served on the Respondent by way Andrew Fraser, Sheriff Officer, Glasgow on 2 September 2020 and the Execution of Service was received by the Tribunal administration.

### **Case Management Discussion**

5. The Tribunal proceeded with the Case Management Discussion on 30 September 2020 by way of teleconference. The Applicants were represented by Ms Caldwell from TC Young, Solicitors. There was no appearance by or on behalf of the Respondent despite the teleconference starting 10 minutes late to allow the Respondent plenty of time to join. The CMD also considered an eviction application under case reference FTS/ HPC/EV/20/1519 in terms of which the Applicants sought to evict the Respondent due to the arrears. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD for both applications in her absence.
6. The Tribunal had before it a Short Assured Tenancy Agreement between the Applicants and the Respondent signed and dated 11 December 2016, an AT5 signed and dated 9 December 2016, a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988 both dated 2 March 2020, a Sheriff Officers’ Execution of Service dated 5 March 2020, a rent statement and a Notice under Section 11 of the Homelessness etc. (Scotland) Act with accompanying email to Perth and Kinross Council dated 15 July 2020.
7. Ms Caldwell moved for an order for payment of arrears in the sum of £2300. She submitted arrears had increased from when the application had been lodged and currently stood at £3560. She referred the Tribunal to an up to date rent statement. The Applicants and the letting agent had both tried to get the Respondent to engage with them in relation to arrears, but had been met with abusive texts. The Tribunal noted the terms of clause 6 of the Short Assured Tenancy where the Respondent had agreed to pay rent at £420 per month to the Applicants. The Tribunal also noted that the Respondent had last made a payment of £200 on 10 February 2020 and had paid no rent since then.

### **Findings in Fact**

8. The Applicants and the Respondent agreed by way of Short Assured Tenancy Agreement dated 11 December 2016 in relation to the Property that the Respondent would pay the Applicant a calendar monthly rent of £420.

9. The Respondent has fallen into arrears of rent. The last payment to account was on 10 February 2020 when she paid £200. The Respondent has made no payments of rent since.
10. The arrears as at 15 July 2020, the date of application, were £2300. Current arrears are £3560.

### **Reasons for Decision**

11. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made on behalf of the Applicants. The Tribunal noted that the Respondent had not paid rent since 10 February 2020 as she was required to do under the tenancy agreement and that the amount of arrears which were increasing. The Applicant had produced evidence of persistent non-payment of rent with reference to the tenancy agreement and the rent statement lodged. The Tribunal was satisfied on the basis of these documents, together with Ms Caldwell's submissions that the order for payment in favour of the Applicants be granted.

### **Decision**

12. The Tribunal granted an order for payment of £2300

### **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

**30 September 2020**

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**Legal Member/Chair**

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**Date**

