



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/18/0369

Re: Property at 6/4, 15 Castlebank Place, Glasgow, G11 6BJ (“the Property”)

Parties:

Mr Jason Barr, 40 Cortmalaw Crescent, Glasgow, G33 1TB and Mr David Montgomery, Lynville, Keir Street, Dunblane, FK15 9BP (“the Applicants”)

Ms Tiffany McAdam, 6/4, 15 Castlebank Place, Glasgow, G11 6BJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order for Payment by the Respondent in the sum of £5,660.

Background

The Applicants submitted an application seeking an order for payment by the Respondent in respect of rent due in relation to her tenancy of the property at 6/4, 15 Castlebank Place, Glasgow, G11 6BJ. The Tribunal held a case management discussion on 24th April 2018, which proceeded in the absence of the Respondent. Reference is made to the summary of that case management discussion. The Tribunal fixed a further case management discussion for 23rd May 2018 and advised the Respondent by letter of 1st May 2018 of the date, time and place of today’s case management discussion. A copy of the most recent rent statement was enclosed with that letter. In that letter, the Respondent was advised that any written representations she wished to make should be sent to the Tribunal by 15th May 2018. The Respondent sent an email to the Tribunal on 16th May in which she

advised, amongst other things, that the landlord would receive payment of £600 every 4 weeks which represented her housing benefit claim. The Respondent was also told that she required to attend the case management discussion and was informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

The Case Management Discussion

This case called alongside the case under chamber reference FTS/HPC/EV/18/0367. The Applicants were represented by Mr de Ste Croix, Solicitor. The Respondent was absent. Mr de Ste Croix produced an updated rent statement showing the arrears now stand at £5,710. The Applicants sought payment in that sum. The Tribunal noted that although a copy of that rent statement may have been issued by the Applicants to the Respondent, the Respondent has not had intimation that the Applicants would seek payment in that sum today. The Tribunal also noted that a copy of the rent statement which was lodged on 24th April 2018 was intimated to the Respondent by letter of 1st May 2018. That rent statement showed that the rent arrears due at that stage amounted to £5,660. Mr de Ste Croix confirmed that the most recent payments made to the rent account have been housing benefit payments in the sum of £600 and have been paid directly by the local authority to the Applicants.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 22nd June 2007. The period of the tenancy was from 1st August 2007 to 31st July 2008.
2. The rent payable was £650 per calendar month, payable in advance.
3. The rent statement lodged on 24th April 2018 shows rent arrears due as at 1st April 2018 amounted to £5,660.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it and the submissions made by the Applicants' solicitor. The Applicants' solicitor invited the Tribunal to make the Order sought. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The Tribunal was satisfied that the sums sought by the Applicants are due and therefore the Order was granted.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

N Irvine

Legal Member/Chair

23.05.2018

Date