

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/19/0185

Re: Property at Flat 14 Wilson Court, 15 Wilson Street, Hamilton, ML3 0NH (“the Property”)

Parties:

UK Family Properties, 33 Milton Road, Middlesex, TW12 2LL (“the Applicant”)

Ms Donna Myers, 20 Kirk Street ,Stonehouse, Larkhall, ML9 3LR (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £1,458.33.

Background

The Applicant submitted an application seeking an order for payment in the sum of £1,458.33. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at Flat 14 Wilson Court, 15 Wilson Street, Hamilton. A case management discussion took place on 2nd April 2019 and reference is made to the notes of that case management discussion.

No written representations have been received from the Respondent. No further documentation has been lodged by the Applicant.

The Case Management Discussion

The Applicant was represented by Miss McGuire. The case management discussion proceeded in the absence of the Respondent. The Applicant's representative explained that Jewel Homes took over the management of this tenancy in February 2018. She advised that she met with the Respondent at that time and provided bank details so that the Respondent could make payment of the rent. At that time, the Respondent's benefits claim changed from housing benefit to universal credit, but there was a problem in relation to the universal credit claim. Once that problem was resolved, the Respondent paid the rent due for June, July and August 2018. However, the Respondent did not make payment in relation to the arrears of rent. The Respondent left the property with very little notice but made no proposals in relation to payment of the arrears. The Applicant's representative relied upon the rent statement produced and moved for an order for payment in the sum of £1,458.33.

Findings in Fact

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 23rd January 2017. The period of the tenancy was from 23rd January 2017 to 22nd July 2017. Thereafter, the tenancy continued by tacit relocation.
2. The rent payable was £350 per month.
3. As at the date of the case management discussion, rent arrears amounted to £1,458.33.
4. The Applicant is entitled to the Order sought for payment in the sum of £1,458.33.

Reason for Decision

The Applicant has produced a rent statement which shows that the rent arrears amounted to £1,458.33 at the time the Respondent vacated the property. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

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

14th May 2019
Date