

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 1988 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/19/1941

Re: Property at 92 Victoria Place, Station Road, Milngavie, G62 8BY (“the Property”)

Parties:

Mr Jasbir Singh Johal, 18 Oxhill Road, Dumbarton, West Dumbartonshire, G82 4DG (“the Applicant”)

Miss Sharon Kerr, Address Unknown (“the Respondent”)

Tribunal Member:

Martin McAllister (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 to pay the sum of FOUR THOUSAND AND SEVENTY POUNDS TEN PENCE (£4,070.10) to the Applicant.

Background

This is an application by the Applicant for payment in respect of rent arrears. The sum sought is £5,211.03. Service by advertisement had been effected on the Respondent and the appropriate Certificates of Service were before me. The Applicant had lodged a copy of the Tenancy Agreement dated 1st March 2016. A rent statement had been lodged with the Application which showed the sum of rent arrears to be £5,211.03.

The case management discussion

The Respondent was not present.

The Applicant was not present but was represented by Jane Marshall and Karen Friel, both property managers with Big Property, the letting agents of the Applicant.

The purpose of a case management discussion was explained.

Ms Marshall said that she considered that the matter could be determined at the case management discussion and that there was no requirement for a Hearing.

Ms Marshall was referred to a letter from Big Property to the Respondent on 30th March 2019 which detailed that, at that date, the sum outstanding was £2,391.10. She explained that, when papers were being prepared for the Application, it was noted that an administrative error had been made and that the sum outstanding at that date was more. Ms Marshall accepted that the Respondent would not have been aware of that since no contact had been able to be made with her since the end of the tenancy.

Ms Marshall and Ms Friel conceded that it would not be fair to include the additional sum which was found to be outstanding and indicated that the Application was to be amended to show the sum sought to be £4,070.10 which was in respect of the arrears stated in the letter to the Respondent dated 30th January 2019 and, in addition rent from then to 25th April 2019 which amounted to £1,679 making a total sum sought of £4,070.10. Ms Marshall said that clearly the Respondent would have been aware that she had not been paying rent from January 2109.

Ms Marshall said that, at the outset of the tenancy, the Respondent had been in receipt of Housing Benefit and had then been in employment. She said that, at no time did he Respondent indicate that non-payment of rent was due to any issues about payment of benefits.

Findings In Fact

1. The Respondent is in arrears of rent amounting to £4,070.10.
2. The Tenancy Agreement obliges the Respondent to pay rent.

Reasons for Decision

I found Ms Marshall to be credible and that the rent statement lodged supported the application for payment. The Tenancy Agreement was in terms which stated that the Respondent was due to pay rent.

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.

Martin McAllister

**Martin J. McAllister
Legal Member/Chair
10th September 2019**