

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 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/3212

Re: Property at 55 Dunbeth Road, Coatbridge, ML5 3EW (“the Property”)

Parties:

Mr George Clark, Mr Paul Clark, 42 Aitchison Street, Airdrie, ML6 0DB (“the Applicants”)

Miss Tracy Barr, 55 Dunbeth Road, Coatbridge, ML5 3EW (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment against the Respondent in relation to alleged arrears of rent owed in terms of a private residential tenancy at the Property. The matter called for a case management discussion at 10am on 7 January 2020. One of the Applicants (Mr Paul Clark) was present in person; but, for reasons set out further below, was in effect representing the other Applicant, as a director of Aquila Management Services Ltd. The Respondent was not present or represented.

- Findings in Fact

1. The Property is owned solely by Mr George Clark. Aquila Management Services Ltd acts as his letting agent. A private residential tenancy, purportedly between the Respondent and Paul and George Clark, was executed on 9 January 2019, starting on the same date. It was executed on behalf of the landlords by Paul Clark only. Paul Clark is a director of Aquila Management Services Ltd. The tenancy is therefore actually between George

Clark (hereafter referred to as, 'the Applicant') and the Respondent, Paul Clark having executed it on behalf of the Applicant as his agent.

2. In terms of the tenancy agreement, rent of £450 is payable on the 9th day of each month. On 9 May 2019, the Respondent may no payment towards the rent and therefore fell into arrears of £450. On 28 May 2019, she made a payment of £340, reducing the arrears to £110. She made further payments of £450 on 28 June 2019, 26 July 2019 and 27 September 2019; and £6 on 2 December 2019. In addition, the Applicant applied for and was granted direct payments of universal credit. This amounted to two payments of £429.25 on 28 October 2019 and 28 November 2019. As of 7 January 2020, the Respondent is in arrears of rent of £1,045.50.
3. This application was raised on 9 October 2019, requesting an order for payment of the sum of £560.
 - Reasons for Decision
4. The Respondent owes the Applicant at least the sum the sum applied for. An order for payment of that amount should therefore be granted.
 - Decision

Order granted for payment by the Respondent to the Applicant of the sum of £560 (FIVE HUNDRED AND SIXTY POUNDS STERLING).

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.

Nairn Young

07/01/2020

Legal Member/Chair

Date