



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/1554**

**Re: Property at Matlock, Airport Road, Isle of Tiree, Argyll, PA77 6UP (“the Property”)**

**Parties:**

**Mr Ian Atkins, Bloxham House, Highbridge Road, Wappenham, Towcester, Northants, NN12 8SL (“the Applicant”)**

**Mrs Susan Atkins, Bloxham House, Highbridge Road, Wappenham, Towcester, Northants, NN12 8SL (“the Applicant’s Representative”)**

**Miss Amanda Goode, 31 Balephetrish, Isle of Tiree, Argyll, PA77 6UY (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment of One thousand nine hundred pounds (£1900) in favour of the Applicant against the Respondent**

**Background**

- 1 By application to the Tribunal, the Applicant sought an order against the Respondent for unpaid rent arrears. In support of the application the Applicant submitted Tenancy Agreement between the parties, bank statements and a screenshot of a text message from the Respondent.
- 2 By Notice of Acceptance of Application dated 4 September 2020 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for 13 October 2020. Due to the imposition

of restrictions arising from the Covid-19 pandemic a direction was issued to the parties by the Chamber President confirming that the Case Management Discussion would take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was served upon the Respondent by Sheriff Officers on 21 September 2020.

### **The Case Management Discussion**

- 3 The Case Management Discussion took place by teleconference on 13 October 2020. The Applicant, Mrs Susan Atkins, was in attendance. The Respondent was not present. The Legal Member noted that service of the application paperwork together with the date, time and details for joining the case conference had been served upon the Respondent by Sheriff Officers. She therefore determined to proceed in the Respondent's absence.
- 4 The Legal Member explained the purpose of the Case Management Discussion. As a preliminary matter the Legal Member noted that Mr Ian Atkins was named as the landlord on the Tenancy Agreement that had been submitted with the application whilst Mrs Atkins was the named Applicant. Mrs Atkins advised that the lease would often have been in her name, or in the name of Ian Atkins, her husband, but that she was content for Mr Atkins to be named as the Applicant given that he had the contractual relationship with the Respondent. The Legal Member then spoke with Mr Atkins and confirmed that he was content with this and for Mrs Atkins to address the Tribunal on his behalf.
- 5 Mrs Atkins then confirmed that she sought an order for £1900 in relation to unpaid rent. She did have some sympathy for the Respondent, who she understood has three children. However the Respondent had repeatedly promised to make payment but had not. She had then voluntarily left the tenancy on or around 5<sup>th</sup> April 2020. In response to questions from the Tribunal Mrs Atkins explained that she had not had any recent contact from the Respondent nor any payments.

### **Findings in Fact and Law**

- 6 The parties entered into a Tenancy Agreement dated 1 May 2016 in respect of the property.
- 7 In terms of Clause 5 of the said Tenancy Agreement the Respondent undertook to make payment of rent to the Applicant at the rate of £380 per month.
- 8 The Respondent vacated the property on or around 5 April 2020 and the tenancy between the parties was terminated;

- 9 The last payment made to the rent account by the Respondent was a payment of £1520 on 8 November 2019.
- 10 As the date of termination arrears in the sum of £1900 were outstanding.
- 11 Despite repeated requests from the Applicant the Respondent has refused or delayed in making payment of the outstanding sum.
- 12 The Respondent is due to pay the sum of £1900 to the Applicant in terms of the Tenancy Agreement between the parties.

### **Reasons for Decision**

- 13 Having considered the written representations from the parties and the verbal submissions at the Case Management Discussion the Tribunal determined it could make a determination of the application and that to do so would not be prejudicial to the interests of the parties. There were no identified issues in dispute and therefore no requirement to fix a hearing in the matter.
- 14 Having considered the terms of the tenancy agreement and rent statement produced by the Applicant, and based on its findings in fact, the Tribunal was satisfied that the Respondent was liable to pay the sum of £1900. The Respondent had been given the opportunity to make representations in response to the application and to attend the Case Management Discussion but had chosen not to do so. The Tribunal found the verbal submissions from Mrs Watkins on behalf of the Applicant at the Case Management Discussion to be a credible account of events and there was nothing before the Tribunal to contradict her position.
- 15 The Tribunal therefore made an order in the sum of £1900 against the Respondent.

### **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.**

# Ruth O'Hare

13/10/2020

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Legal Member/Chair

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Date