



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/22/3814

Re: Property at 20 Orchard Place, Livingston, West Lothian, EH54 6RX (“the Property”)

Parties:

Mr Adrian Kay, 54 Chuckethall Road, Deans, Livingston, EH54 8FB (“the Applicant”)

Mr Leonard Henry Chapman, 20 Orchard Place, Livingston, West Lothian, EH54 6RX (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a payment order in the sum of Nine hundred and sixty six pounds (£966) Sterling

Background

- 1 By application to the Tribunal the Applicant sought an order for payment of against the Respondent in respect of outstanding rent arrears. In support of the application the Applicants provided the following documentation:-
 - (i) Private Residential Tenancy Agreement between the parties dated 20 December 2019;
 - (ii) Copy correspondence from the Applicant to the Respondent;
 - (iii) Copy letter from West Lothian Council to the Applicant confirming payment of housing benefit;and
 - (iv) Rent Statement.
- 2 By Notice of Acceptance of Application 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 7 March 2023. 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 intimated to the Respondent by Sheriff Officers.

Case Management Discussion

- 3 The Case Management Discussion took place on 7 March 2023 by teleconference. The Applicant was present. The Respondent was not in attendance. The Legal Member noted that he had received service of the application paperwork and therefore determined to proceed in his absence.
- 4 The Applicant confirmed that he sought an order in the sum of £966 in respect of outstanding rent arrears. The Respondent received housing benefit however this did not cover his monthly rent and he did not pay the shortfall. Accordingly the arrears continued to increase. The Applicant had tried on a regular basis to engage with the Respondent however the Respondent had failed to take any steps to deal with the rent arrears. The Applicant confirmed that a second application had been lodged with the Tribunal seeking an eviction order as a result.

Findings in Fact and Law

- 5 The parties entered into a Private Residential Tenancy agreement dated 20 December 2019.
- 6 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £425 per month.
- 7 As at 7 March 2023 arrears in the sum of £966 were outstanding.
- 8 Despite requests the Respondent has refused or delayed in making payment of the rent due.
- 9 The Respondent is therefore liable to pay the sum of £966 to the Applicant.

Reasons for Decision

- 10 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. There were no facts in dispute that would require a hearing to be fixed. The Respondent had not attended the Case Management Discussion, nor made written representations, therefore there was nothing before the Tribunal to contradict the position put forward by the Applicant.

- 11 Based on its findings in fact the Tribunal accepted that the Respondent was liable to pay the sum of £966 to the Applicant in accordance with his contractual obligations under the tenancy agreement in respect of the payment of rent. The Tribunal therefore determined to make a payment order for that sum.

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

7 March 2023

Legal Member

Date