



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/22/0841

Re: Property at 22 Wick Avenue, Airdrie, North Lanarkshire, ML6 9TY ("the Property")

Parties:

Mr Lendrick Gillies, 58 Palmerston Place, 1 West End, Edinburgh, EH12 5AY ("the Applicant")

Miss Kate Hirnle, 22 Wick Avenue, Airdrie, North Lanarkshire, ML6 9TY ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Applicant)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 17 October 2022 the Applicant was not in attendance but was represented by Mr Patryk Snop of Gilson Gray, Edinburgh. The Respondent was in attendance.

Prior to the CMD the Tribunal had received an email from Gilson Gray for the Applicant dated 14 October 2022 with a Rent Statement attached.

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

Background

A CMD had previously taken place on 22 June 2022. The Applicant was not present or represented at that CMD and the application was refused.

The Applicant subsequently submitted an application for recall of the Tribunal's Decision dated 22 June 2022 in terms of Rule 30 of the First-tier Tribunal for Scotland Housing & Property Chamber Rules of Procedure 2017 which the Tribunal granted on 25 July 2022.

The CMD

At the CMD Mr Snop for the Applicant's made the following representations:-

- i. That subsequent to his email to the Tribunal dated 14 October, the Respondent had made a further payment of £500 and the arrears balance therefore now stood at £2,100.
- ii. That he was not seeking an eviction order against the Respondent but a continuation of the application for a period of 90 days to allow ongoing payments by the Respondent to be monitored.
- iii. That the Respondent had considerably reduced the rent arrears due but with Christmas approaching there was a risk the arrears might increase once again.
- iv. In that the Respondent argued the arrears balance to be £1,500 Mr Snop was happy to review the payments with the Respondent.
- v. That the Applicant owns a number of other properties which he rents out.
- vi. That Mr Snop was not aware whether repairs in respect of the Property were up to date.
- vii. If the Tribunal was not prepared to continue consideration of the application for a period of 90 days then a shorter continuation was sought for the same purpose.

At the CMD the Respondent made the following representations:-

- i. That having regard to all payments made, the rent arrears still due are £1,500.
- ii. That she continues to work 12.5 hours each week and is in receipt of Universal Credit.
- iii. That she is looking for a better job.
- iv. That she pays her rent promptly and has no other debt.
- v. That she lives with her daughter now aged 17 years and is doing very well on her own.
- vi. That repairs required to the Property are not up to date.
- vii. That she has called and called Mr Sam Paulo at Gilson Gray but he never calls her back.
- viii. The plumber has not returned. The bath continues to leak and other repairs are needed.

Reasons for Decision

The parties need to resolve whether the arrears balance due is £2,100 or £1,500. However, whichever of the figures is correct the arrears are modest. The Respondent has kept up with ongoing rental payments due. She has reduced the arrears very significantly and continues to do so.

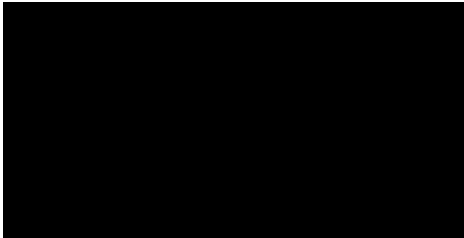
No eviction order was sought by the Applicant, quite correctly given the level of arrears due. Rather the Applicant sought a continuation of the application to allow payments by the Respondent to be monitored. The role of the Tribunal is not to monitor or allow an applicant to monitor payments of rent. The Tribunal therefore refused the Applicant's request for a continuation of the application and dismissed the application.

Decision

The application is dismissed.

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.



Legal Member/Chair

17 October 2022
Date