



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/20/1487

Re: Property at 3 Balsusney Road, Kirkcaldy, KY2 5LG (“the Property”)

Parties:

Mr Parminder Singh, 6 William Street, Kirkcaldy, KY1 1TW (“the Applicant”)

Mr Gavin McKay, 3 Balsusney Road, Kirkcaldy, KY2 5LG (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision

At the Case Management Discussion (“CMD”) the Applicant was in attendance. The Respondent was neither present nor represented.

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

Background

- The Applicant is the heritable proprietor of the Property.
- The Respondent is the tenant of the Property.
- The tenancy is a Private Residential Tenancy Agreement under the Private Housing (Tenancies)(Scotland) Act 2016.
- The Tenancy Agreement was emailed by the Applicant to the Respondent on 11 March 2020.
- In terms of the Agreement the rent payable by the Respondent was stated to be £470 per month payable in arrears on the 12th day of each month.
- The Respondent remains in occupation of the Property.
- As at the date of the Application to the Tribunal the rent arrears accrued were £1,760.

The Case Management Discussion

Submissions for the Applicant:-

At the CMD the Applicant stated:-

- That the Respondent remains in occupation of the Property.
- That at the outset of the tenancy the Respondent was assisted by a charity, Fife Key Fund, which assists homeless persons in finding accommodation.
- That it was agreed that rent would be paid in arrears as housing benefit is paid in arrears.
- That whilst the Respondent moved into the Property on 11 March 2020 the first payment of rent was not due until 12 April 2020.
- That it was intended that the Respondent would make up the shortfall between the benefits he was receiving towards his rent and the rent due in terms of the Tenancy Agreement. That meant the Respondent would pay £120 each month.
- That the Respondent has only ever made one payment of £120, namely on 11 April 2020.
- That between April and June 2020 the Applicant received no benefit payments towards the rent due.
- That as a consequence of more than 2 months rent being due and unpaid the Applicant arranged for benefit payments to be made directly to him. He has therefore received payments of £375 towards the rent in each of July-September 2020.
- The rent arrears as at the date of the CMD are £1,575.00.
- That the Applicant seeks an order for payment of £1,575.00.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- The Respondent is in arrears of rent in a sum of £1,575 as at 24 September 2020.
- The Respondent has had due intimation of this Application in terms of the Regulations.
- An order for payment of the arrears due should be granted.

Decision

The Tribunal makes an order in terms of the Application that the Respondent pay to the Applicant the sum of £1,575.00.

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.

Gillian Buchanan

Gillian Buchanan

Legal Member/Chair

24 September 2020