



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2016 (Act)**

Chamber Ref: FTS/HPC/CV/19/1604

Re: Property at 36 Aster Gardens, Motherwell, ML1 2SZ (“the Property”)

Parties:

Mr Jim Henderson, 18 Woodlands Road, Motherwell (“the Applicant”)

**Miss Melanie Shaw, 36 Aster Gardens, Motherwell, ML1 2SZ (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent be ordered to pay the sum of
£3,375 to the Applicant.**

Background

This is an application under section 16 of the Act for payment in respect of rent
arrears.

The Tribunal had regard to the following documents:

1. Application received 22 March 2019;
2. Assured Tenancy dated 9 January 2015;
3. AT6 dated 4 January 2019;
4. Notice to Quit dated 4 January 2019;
5. Section 11 Notice;
6. Schedule of Rent Arrears;
7. Respondent’s time to pay application;
8. Applicant’s response to time to pay application.

Case Management Discussion (CMD)

The case called for a CMD on 4 July 2019. The Applicants were present and represented by Mr Hemmings. The Respondent was not present and was not represented.

The Tribunal noted that it was clear from the Schedule of Arrears and the Respondent's time to pay application that the Respondent admitted the arrears and had not been paying her rent since December 2018.

The Tribunal made the following findings in fact:

1. The Parties entered in to an assured tenancy on 9 January 2015;
2. The monthly rent was £395;
3. As at the date of raising the current proceedings the Respondent was in arrears of rent;
4. The Respondent has not paid rent since December 2018;
5. As at 4 July 2019 the Respondent is in rent arrears of £3,375.

The Tribunal considered the evidence before it and the information within the time to pay application. The Tribunal determined that the order for payment should be granted and the time to pay application refused. Whilst the Respondent's financial position had been disclosed and an offer of payment in the sum of £300 per month made it did appear to the Tribunal that the Respondent had not paid any rent since December. Given the Respondent's persistent failure to pay rent and her financial position the Tribunal did not consider it reasonable to make a time to pay direction.

The Tribunal accordingly grants the order for recovery of payment sought.

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.

A Strain

Legal Member/Chair

4 July 2019

Date