



**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/19/1261

Re: Property at 17 Craigend Crescent, Milngavie, G62 7DU (“the Property”)

Parties:

Mrs Fiona Carrick, 44 Drumlin Drive, Milngavie, G62 6NH (“the Applicant”)

Miss Seonaid Campbell, 17 Craigend Crescent, Milngavie, G62 7DU (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND FOUR HUNDRED POUNDS (£1,400) STERLING

- **Background**

An application dated 16 April 2019 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- **The Case Management Discussion**

A Case Management Discussion took place on 2 July 2019. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff

Officer on 30 May 2019. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.

A separate application by the Applicant seeking a repossession order against the Respondent under Rule 66 of the Rules and under case reference FTS/HPC/EV/19/1260 was heard at the same time.

The Applicant moved for the order for payment to be granted as sought. The parties had entered into a Short Assured Tenancy Agreement. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £1,400. The arrears had commenced in June 2018 and there had been a continuous arrear to date. Whilst the Respondent had been paying the monthly rent since January 2019, nothing had been paid, nor any offers of repayment made, in respect of the arrears accrued up to January 2019. The Applicant was unaware as to whether the Respondent was in receipt of Housing Benefit to assist with her rent.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 10 April 2015;
2. In terms of Clause 4.1 of the Agreement, the Respondent was obliged to pay a monthly rent of £550 to the Applicant;
3. The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1400.

- Reasons for Decision

The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £550 per month under Clause 4.1 of the Agreement and had failed to do so. She had accrued arrears amounting to £1400 and which fell lawfully due to be repaid to the Applicant.

Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND FOUR HUNDRED POUNDS (£1,400) STERLING

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.

Ms Fiona Watson

Legal Member/Chair

27/19

Date