



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref:** FTS/HPC/CV/21/3161

**Property:** 31 Mansefield, East Calder, Livingston, West Lothian, EH53 0JB

**Parties:**

Richard Baker, 52 Comrie Street, Glasgow, G32 9TU (“the Applicant”)

Karen Clark, 31 Mansefield, East Calder, Livingston, West Lothian, EH53 0JB (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £4,247.95.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Short Assured Tenancy agreement dated 11 March 2016 and a form AT6 dated 10 June 2021, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003, and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 10.00am on 15 March 2022 by telephone conference. The Applicant was represented by Ms K Donnelly, of T C Young & Co, solicitors. The respondent was neither present nor represented. The time, date, and place of the case management discussion had been intimated to the respondent by Sheriff Officers.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Short Assured Tenancy Agreement for the Property dated 11 March 2016. In terms of clause 2.1 of the tenancy agreement the respondent agreed to pay rental at the rate of £725.00 per month.
2. The respondent has not made a full payment of rental since April 2021. At the date of application there were arrears of rent totalling £4,247.95. On 4 February 2022 there were rent arrears totalling £5,097.25. Today, there are rent arrears totalling £5,222.95.
3. Since August 2021 the respondent has been entitled to housing benefit paid at £600 per month. That leaves a balancing payment of £125.00 to be made by the respondent. The respondent has not made that balancing payment so that the arrears have steadily increased.
4. On 10 June 2021 the applicant served a form AT6 on the respondent. On 20 December 2021 the applicant submitted this application to the tribunal.
4. On 4 February 2022 the applicant intimated an application to amend the sum claimed by increasing the sum applied for from £4,247.95 to £5,097.95 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
5. The application is amended so that the sum applied for is £5,097.95
6. The monthly rent is £725.00. The respondent has not made a full payment of rent since April 2021, so that at the date of application there were nearly 6 months arrears of rental. At today's date arrears of rental total £5,222.95, which is more than 7 months rental.
7. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £5,097.95 together with interest at 2% per annum from 15 March 2022 until final payment.

## **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.**

# P. Doyle

**Legal Member**

**Date 15 March 2022**