

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/3491

Re: Property at 14F Moncur Cresecent, Dundee, DD3 8AA (“the Property”)

Parties:

Mr Graeme Barr, 63 Kilmany Road, Wormit, Fife, DD6 8PH (“the Applicant”)

**Miss Reagen Wishart, 14F Moncur Cresecent, Dundee, DD3 8AA (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,800.

Background

By application, received by the Tribunal on 21 December 2018, the Applicant sought an Order for Payment in the sum of £1,800, representing arrears of rent that had become lawfully due by the Respondent to the Applicant in respect of the Property.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 28 April 2018 at a rent of £450 per month and by a rent statement showing arrears as at 1 December 2018 of £1,800.

On 6 March 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 25 March 2019.

The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Hilltown Community Centre, Alexander Street, Dundee, on the afternoon of 29 March 2019. The Applicant was present. The Respondent was present and was represented by Mr Alan Hinrichs of Shelter Scotland, who told the Tribunal that the Respondent did not dispute the amount due. She had given up her University course and was now in full time employment and was in contact with Dundee Money Action. She could offer to pay off the arrears at £90 per month, but Mr Hinrichs disclosed to the Tribunal the fact that the Respondent had significant debts in addition to the rent arrears.

The Applicant was not prepared to accept the offer of instalment payments towards the arrears. He was concerned that, given that he had had no rent whatsoever since September 2018, he would be back at square one in a few weeks' time. He asked the Tribunal to grant the Order for Payment without a hearing, as no payments of rent had been received since the date of the application and arrears now stood at £3,150, with a further £450 due in 3 days' time..

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would decide the application without a hearing.

The Tribunal was satisfied that the amount sought in the application was lawfully due by the Respondent to the Applicant and that it would, therefore, grant the application.

Decision

The Tribunal determined that the application should be decided without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,800.

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.

George Clark

Legal Member/Chair

29 March 2019

Date