



**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**

Chamber Ref: FTS/HPC/CV/18/0443

**Re: Property at 22 Huntly Avenue, Deans, Livingston, West Lothian, EH54 8EX
("the Property")**

Parties:

**Mr Brian Sharkey, East Wing Cottage, Skivo Farm, Livingston, West Lothian,
EH54 9AN ("the Applicant")**

**Ms Alison Nimmo, 22 Huntly Avenue, Deans, Livingston, West Lothian, EH54
8EX ("the Respondent")**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Applicant is entitled to an Order for Payment by
the Respondent in the sum of £3374.45 as a result of accrued arrears of rent
arising from 03August 2016 to 01 February 2018.**

Background

- 1. The Respondent entered into a Short Assured Tenancy with the Applicant of the Property on 1 June 2016 at a rent of £600.00 per calender month..**
- 2. The Applicant applied to the Tribunal for an order for payment by application dated 16/02/2018. The application was accepted by the Tribunal on 27/03/2018 and referred to a Case Management Discussion to take place at George House 126 George Street Edinburgh on 22/05/2018. Intimation of the hearing was given to both parties. Only the Applicant attended the Case Management Discussion despite the Respondent being given intimation of the hearing by Sheriff Officers.**

The Case Management Discussion

3. At the Case Management Discussion the Tribunal heard from the Applicant that the rent was paid in full up to 03 August 2016. Rent arrears started to accrue after the Respondent's Housing Benefit was reduced. The Respondent made seven payments of £40.00 towards the arrears over an 18 month period. All payments of Housing Benefit stopped after 01 February 2018 which was the date on which the Respondent had been asked to leave the Property in terms of a Notice to Quit served by Sheriff Officers on 27 November 2017.
4. The Applicant said that until recently the Respondent had failed to communicate with him and had still not removed from the property although had in the past week or so said that she was going to move out and had offered to pay off the arrears at £50.00 per month. The applicant was of the view that he did not think there was much chance of recovering much of the arrears of rent.

Findings in Fact

5. The Respondent entered into a Short Assured Tenancy of the property on 01 June 2016 at a rent of £600.00 per calendar month.
6. The Respondent has accrued arrears of rent up to 01 February 2018 of £3374.45.
7. The Applicant is entitled to an order for payment of this amount.

Reasons for Decision

8. The Respondent was given an opportunity to attend the Case Management Discussion and/or lodge written representations and chose to do neither. The Applicant provided detailed financial information and documentation to support his claim and the Tribunal was satisfied that the sums claimed were properly due by the respondent.
9. In the circumstances the Tribunal was satisfied that there were no disputed issues and therefore no need to fix a further hearing and that the Order sought could be granted.

Decision

10. The Tribunal therefore determined to make an Order that the Respondent pay to the Applicant the sum of £3374.45

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.

G Harding

Legal Member/Chair



Date

22 May 2018