

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 Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/23/0191

Re: Property at 3 Williamson Court, Largo Street, Arbroath, DD11 5EB (“the Property”)

Parties:

2M Property Lets, 2M Property Lets, Myreside Farm, Inverkeilor, Arbroath, DD11 5RL; 45 Main Road, Inverkeilor, Arbroath, DD11 5RN (“the Applicant”)

Miss Isabella Maley, 47 Grant Road, Arbroath, DD11 1JY (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision

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

Sum of THREE THOUSAND EIGHT HUNDRED AND EIGHT POUNDS AND FIFTY-THREE PENCE (£3,808.53) STERLING

- **Background**
 1. An application dated 21 November 2022 was submitted to the Tribunal under Rule 111 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 and damages costs accrued under a private residential tenancy agreement.
 2. A Case Management Discussion (“CMD”) took place on 16 October 2023 by conference call. Ms Moore and Ms McEwan appeared on behalf of the Applicant. The Respondent appeared personally and represented herself. The Respondent’s partner, Mr Ritchie, was in attendance as a supporter.

3. The Applicant moved for the order for payment to be granted in the sum of £3,808.53. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced December 2019. The Applicant submitted that the Respondent had been in desperate need for the Property and so they agreed to waive the need for references to allow her to move in quickly. Rent arrears accrued at the start of the tenancy due to the Respondent receiving a discretionary housing payment directly and not paying it over to the Applicant. Further arrears were accrued during the tenancy and towards the end. The Respondent vacated the Property in October 2022. At the termination of the tenancy, there were rent arrears due of £3,265.47. Further, following an end of tenancy inspection, it was noted that the property was not left in a satisfactory condition. There was damage to the property, cleaning required, the oven required to be replaced, all light bulbs had been removed and had to be replaced, a wooden curtain pole had to be replaced, a damaged basin replaced and a fire alarm remote replaced. Invoices setting out said costs were lodged with the application and came to a total of £543.06.
4. The Respondent admitted the arrears which accrued in February, March and April 2022 and also those which accrued in June and July 2022. The arrears which accrued between December 2019 and April 2022 were denied. The Respondent submitted that she had understood that a discretionary housing payment had been paid directly to the Applicant to cover those arrears. The Respondent has requested written confirmation from the local authority as to that payment and is awaiting same. The Respondent submitted that she had misplaced the wooden curtain pole and had offered another one to the Applicant which they had refused. The Respondent admitted losing the fire alarm remote, removing the light bulbs and the damaged basin. The Respondent denied that the oven was broken or dirty. The Respondent submitted that she was prepared to pay £100 per month towards the arrear. The Respondent is in receipt of Universal Credit and Child Benefit.
5. The Applicant confirmed that they would wish to continue matters to another CMD to enable the Respondent to produce evidence from the local authority as regards the discretionary housing payment, in order that they could then come to an agreement as regards the level of payment due and how this would be repaid. The CMD was adjourned to a further CMD, in order for the Respondent to produce evidence of whether a discretionary housing payment was made and if so, the amount paid, when it was paid, and to whom it was paid.
6. A further CMD took place on 14 December 2023. Ms Moore and Ms McEwan again appeared on behalf of the Applicant. The Respondent again appeared personally and represented herself.
7. The Respondent confirmed that she had contacted the Local Authority following the last CMD and they could find no trace of a discretionary housing payment having been made. Accordingly, the Respondent confirmed that she no longer intended to dispute the claim. The Applicant confirmed that they sought an Order for Payment as set out in the application, and whilst open decree was sought, discussions took place between the parties as regards the Respondent

commencing repayments at the rate of £200 in January 2024 and thereafter at the rate of £100 per month.

- Findings in Fact

8. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced December 2019;
- (ii) In terms of the Agreement, the Respondent was obliged to pay a monthly rent of £500 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3265.47 at the date the application was submitted.
- (iv) The Respondent had accrued damages costs and costs for missing items from the property which totalled £543.06.
- (v) The Respondent was liable for payment in the total sum of £3,808.53 to the Applicant.

- Reasons for Decision

9. The Tribunal was satisfied that the Applicant was entitled to a payment order in the sum as sought in the application, being £3,808.53 and which sum was admitted by the Respondent.

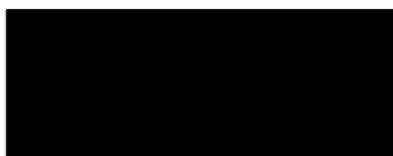
- Decision

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

Sum of THREE THOUSAND EIGHT HUNDRED AND EIGHT POUNDS AND FIFTY-THREE PENCE (£3,808.53) 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.



Legal Member/Chair

Date: 14 December 2023