



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 1988 (Act)

Chamber Ref: FTS/HPC/CV/23/2513

Re: Property at 8 North Bridge Street Lane, Bathgate, EH48 4PR (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Ms Lea Stewart, 8 North Bridge Street Lane, Bathgate, EH48 4PR (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall pay the Applicant the sum of £14,789.60 with interest at the rate of 4% pa above the Bank of Scotland Base Rate.

Background

This is an application under Rule 70 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 16 of the Act for an order for repayment of alleged rent arrears.

The following documents were considered by the Tribunal:

1. Application received 27 July 2023;
2. Short Assured Tenancy Agreement (**SAT**) commencing 30 May 2013;
3. Pre Action Correspondence;
4. Schedule of Rent Arrears at 6 November 2023;
5. Certificate of Service of CMD Notification on Respondent dated 19 October 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 22 November 2023. The Applicant did not participate but was represented by its solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicants' solicitor asked the Tribunal to deal with the matter on the basis of the documentation before it. He drew attention to the fact that the arrears had increased and there had been arrears for a number of years (since 2019).

The Applicant's solicitor was able to inform the Tribunal that the Respondent lived in the Property with a child of school age. She was not engaging with the Applicant. The Applicant had managed to ascertain that the Respondent was in receipt of Universal Credit but could not confirm how much. None of the Universal Credit was being paid to the Applicant. It appeared there may be health issues but this was not clear.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 30 May 2013;
2. Clause 8 of the SAT provided for contractual interest at 4% pa above the Bank of Scotland Base Rate
3. Monthly rent was £597.40;
4. As at the date of the CMD there was in excess of 6 months' rent due (£14,789.60 rent was due);
5. Pre Action correspondence had been issued to the Respondent.

Outcome

- **Order for payment in the sum of £14,789.60 granted with interest at 4% pa above the Bank of Scotland Base Rate.**

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.

Alan Strain

22 November 2023

Legal Member/Chair

Date