



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/23/3305

Property at 65 Urquhart Terrace Top Floor Right, Aberdeen, AB24 5NJ (“the Property”)

Parties:

Mr Karl Gray, Strathholm, Clachan, Tarbet, Argyll, PA29 6XL (“the Applicant”)

Miss Katie Murphy, 65 Urquhart Terrace Top Floor Right, Aberdeen, AB24 5NJ (“the Respondent”)

Tribunal Members:

Josephine Bonnar (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 a payment order for the sum of £3774.67 should be granted against the Respondent.

Background

1. The Applicant seeks a payment order in terms of Section 71 of the 2016 Act. A tenancy agreement, rent statement and correspondence with the Respondent were lodged in support of the application. A related application for an eviction order under Chamber reference EV/23/3304 was also submitted.
2. A copy of the application was served on the Respondent by Sheriff Officer. Both parties were advised that a case management discussion (“CMD”) would take place by telephone conference call on 9 January 2024 at 2pm and that they were required to participate. On 4 December 2023 and 3 January 2024, the Applicant lodged an updated rent statement and a request to amend the sum claimed as the arrears had increased.

3. The CMD took place on 9 January 2024. The Applicant was represented by Ms MacDonell. The Respondent did not participate and was not represented.

Case Management Discussion

4. Ms MacDonell told the Tribunal that the Respondent is still in occupation of the property. There was contact with her to arrange access for a repair in December 2023. The visit did not take place although it is not clear whether it was cancelled by the contractor or the Respondent. The letting agents have continued to contact the Respondent by email but she does not respond.
5. Ms MacDonell told the Tribunal that the arrears started in November 2022. The Respondent advised the letting agent that she had changed job, and this had caused some problems with her income. She also discovered that she was expecting twins. They were born in May or June 2023. There had been previous arrears in June/July 2022 which were repaid by the guarantor. The Respondent made proposals to clear the arrears which were not maintained. From January 2023, Universal Credit started making direct payments to the account although these did not cover the full rent charge and the Respondent did not meet the shortfall. Following the birth of the twins, the payments from universal credit increased and covered the full rent charge. However, the Respondent made no additional payments, and the arrears did not reduce. In October 2023, the Respondent advised them that she had asked UC to make the payments to her and not the letting agent. She said that she had to do this and that she would set up a standing order for the rent plus a contribution to the arrears. However, no payments have been received from the Respondent or universal credit since 1 November 2023. The balance currently owed is £3774.67.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent is due to pay rent at the rate of £500 per month.
9. The Respondent has been in arrears of rent since December 2022 and has made no payments to the rent account since 1 November 2023.
10. The Respondent currently owes the sum of £3774.67 in unpaid rent.

Reasons for Decision

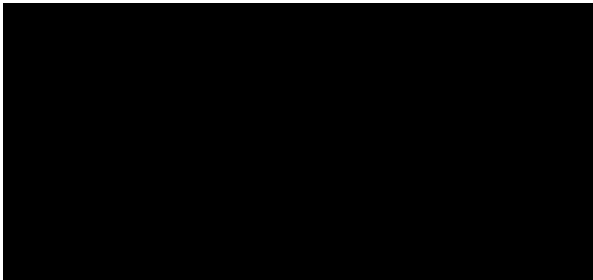
11. Based on the application, the documents lodged with the application and submitted before the CMD, and the information provided at the CMD, the Tribunal is satisfied that the Respondent owes the sum of £3774.67 in unpaid rent and that the Applicant is entitled to a payment order in relation to same.

Decision

12. The Tribunal determines that a payment order should be granted against the Respondent.

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.



9 January 2024