

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)**

Chamber Ref: FTS/HPC/CV/24/0100

Re: Property at 0-1 12 Glenraith Walk, Craigend, Glasgow, G33 5PB (“the Property”)

Parties:

Mrs Ann McKegney, 29 Westerton, Lennoxton, G66 7LR (“the Applicant”)

Miss Ellie McKay, 0-1 12 Glenraith Walk, Craigend, Glasgow, G33 5PB (“the Respondent”)

Tribunal Members:

Virgil Crawford (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

BACKGROUND

1. By Lease dated 19th March 2022 the Applicant let the Property to the Respondent.
2. The rent payable is £675.00 per calendar month.
3. The Respondent fell into arrears of rent. As a result, a notice to leave was served upon the Respondent intimating that recovery of possession was being sought on the basis the Respondent was in arrears of rent for more than three consecutive months.
4. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
5. On 8th January 2024 the Applicant presented two applications to the tribunal, one seeking an order for eviction (EV/24/0086) and one seeking an order for payment of arrears of rent (CV/24/0100).

THE CASE MANAGEMENT DISCUSSION

6. The Applicant did not participate personally in the case management discussion but was represented by Miss K O'Neill of Messrs Coda Estate Ltd, Lenzie. The Respondent did not participate in the case management discussion.
7. The Applicant's representative moved the tribunal to grant an order for payment of arrears of rent and, separately, an order for eviction.
8. In relation to the rent arrears, as at the date of the application to the tribunal, the arrears of rent amounted to £2,406.50. Since then, however, the arrears of rent had reduced. The Respondent made a lump sum payment of £1,000.00. Arrangements were also made benefit payment of £650.00 per month to be paid directly to the Applicant. In addition, payments of £29.00 per month were being made towards the arrears. The Respondent, however, was also expected to make payment of the sum of £25.00 per month to make up the shortfall between the benefits being received (£650.00) and the monthly rental payments (£675.00).
9. The Respondent did not make the monthly payments of £25.00. As a result, while the £29.00 per month was being received, purportedly to reduce the arrears, because the £25.00 per month payments were not being made by the Respondent, the arrears were only being reduced by £4.00 per month. Given the level of arrears, re-payment of the arrears at the rate would take several years.
10. The Respondent has not been in direct contact with the Applicant nor her representative for some time. The last communication between the Parties was an email dated 21st March 2024 sent by the Respondent to the representatives of the Applicant in which the Respondent indicated that she was struggling to understand the level of arrears. She had not been in contact with them otherwise and, as stated, had not been making payments as previously agreed with her.
11. As far as, Miss O'Neill is aware, the Applicant resides at the Property with two children. When the tenancy commenced the Applicant had one child. It is understood she now has another child aged approximately 6 months. Miss O'Neill, however, advises that there has been no application nor request for any other person to reside at the Property and, as far is known, the Applicant resides at the Property with her children.

FINDINGS IN FACT

12. The Tribunal found the following facts to be established: -
 - a) By Lease dated 19th March 2022 the Applicant let the Property to the Respondent.
 - b) The rent payable is £675.00 per calendar month.
 - c) The Respondent fell into arrears of rent. As at the date of the application to the tribunal, the arrears of rent amounted to £2,406.50.
 - d) As at the date of the case management discussion the arrears of rent amounted to £1,389.66.
 - e) A sum of not less than £1,389.66 is due, resting and owing by the Respondent to the Applicant.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND THREE HUNDRED AND EIGHTY NINE POUNDS AND SIXTY SIX PENCE (£1,289.66) STERLING to the Applicant:

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.

10 May 2024

Legal Member/Chair

Date