



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/1287

Re: Property at 12 Brodrick Square, Bishopbriggs, Glasgow, G64 1NR (“the Property”)

Parties:

Mr Thomas Collins, 8 Shiel Road, Bishopbriggs, Glasgow, G64 1HS (“the Applicant”)

Ms Joanne Love, 12 Brodrick Square, Bishopbriggs, Glasgow, G64 1NR (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £6,865.91.

Background

1. The Applicant seeks a Payment Order in respect of rent arrears said to be lawfully due by the Respondent to the Applicant under a tenancy between the parties.
2. The Application is accompanied by a copy of the tenancy agreement and rent statements.
3. The Applicant had competently sought to amend the sum claimed from £6398.30 to £6865.91 in advance of the Case Management Discussion.
4. The Application was conjoined with an application for Eviction under chamber reference FTS/HPC/EV/24/1286.

Case Management Discussion

5. The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 6 June 2024. The Applicant was represented by Mr Gallagher, solicitor. The Respondent was represented by Mr Raymond Heath, Housing advice worker, CAB East Dunbarton. Both the Applicant and the Respondent were also on the call with their representatives.
6. Service of the Application had been competently effected on the Respondent by Sheriff Officers.
7. Mr Heath said that the Respondent was not opposing the application for a Payment Order which was in relation to rent arrears for the Property. She did not dispute that the paperwork had been served on her correctly. She was well aware of the rent arrears, and had struggled from the outset to meet the rent due. She recognised that she needs to move, and that the Property is quite simply unaffordable for her. At the time that the tenancy commenced she was in receipt of Universal Credit and Personal Independence Payment. In or around June 2023, she had commenced employment part-time. Her small job entailed her working as a cleaner for 15 hours per week. She still holds that job. She requires to send in confirmation of her payslips on a regular basis to the Benefits Agency. When she commenced this employment her Universal Credit was cut from £450 per month to £377 per month. The rental due for the Property is 650 per month so there has been an immediate shortfall from the commencement of the tenancy.
8. Mr Heath did not oppose the application for Eviction either. He had instructions simply to point out that the Respondent had experienced difficulties in relation to her personal circumstances. Her health had not been good and she had received treatment for cancer. She is also prescribed antidepressant medication for ongoing depression. The Respondent has registered a claim with the local authority for re-housing. Mr Heath said that the authority had been made aware of the CMD happening today. The local authority will not progress her housing application until a decision has been made by the Tribunal.
9. Mr Gallagher invited the Tribunal to grant the Order for Payment. He said that the Applicant had received no rent at all for the past month, even from the Housing Benefit part of the rent. The Applicant had contacted the Housing Department and was advised that the Respondent had been in touch and had asked for the housing benefit element of her payment to be made to her directly as opposed to the Applicant. He submitted that the rent arrears are quite substantial.

Findings in fact

10. The Parties entered into a tenancy agreement dated 12 October 2021 in terms of which the Applicant let the Property to the Respondent.
11. The contractual monthly rent was £650.
12. The sum of £6865.91 is currently lawfully due as rent arrears by the Respondent to the Applicant.

Reasons for Decision

13. Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £6865.91. The Applicant had provided an updated rent statement showing the rental due and outstanding which was not disputed by 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.

Yvonne McKenna

6 June 2024

Legal Member/Chair

Date