



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/24/1443**

**Re: Property at 142 Castlebay Street, Glasgow, G22 7LR ("the Property")**

**Parties:**

**Sadia Anwar, 190 Kestrel Road, Glasgow, G13 3PQ ("the Applicant")**

**Lyndsay Tran, 142 Castlebay Street, Glasgow, G22 7LR ("the Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Elaine Munroe (Ordinary Member)**

**Decision**

At the Case Management Discussion ("CMD"), which took place by telephone conference on 6 November 2024, the Applicant was not in attendance but was represented by Ms Tracey Campbell-Hynd, TCH Law. The Respondent was present.

Prior to the CMD the Tribunal received from the Applicant's representative an email dated 23 October 2024 with attachment.

The CMD was also in respect of the related application bearing reference FTS/HPC/EV/24/1440.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:-**

**Background**

A CMD had previously taken place on 25 June 2024. That CMD was adjourned to allow the Tribunal to be addressed on the certain legal matters relative to FTS/HPC/EV/24/1440 and this application was continued to the same date.

**The CMD**

*Submissions for the Applicant*

Ms Campbell-Hynd confirmed the Applicant still seeks a payment order of £1,100. She said these arrears of rent remain outstanding and no offer of payment had been made. There had been no response from the Respondent.

The Tribunal asked for Ms Campbell-Hynd's response to the detailed written chronology of events and submissions for the Respondent lodged on 29 May 2024. Ms Campbell-Hynd was unaware of these submissions although located them during the course of the CMD. She was not familiar with their content and could not address the Tribunal on the issues arising out of the Respondent's housing benefit being cancelled due to the Applicant having previously failed to provide sufficient evidence of her acquisition and ownership of the Property which resulted in the rent arrears of £1,100 in question for the months of October and November 2023.

#### *Submissions by Respondent*

The Respondent said she was not liable for the sums claimed. She did everything correctly. After her housing benefit was cancelled due to the Applicant not providing proof of her ownership of the Property she required to claim Universal Credit for her housing costs thereafter. Universal Credit is not backdated.

She is a single parent with two daughters aged 14 and 18 years. Her elder daughter works part-time. The Respondent also works part-time. She looks after her dad who has had a stroke and is presently in hospital. He lives nearby.

The Respondent said she had applied everywhere for accommodation but her applications would not be entertained until she has a date to move out the Property. She doesn't want another private let. She wants to move elsewhere.

#### **Reasons for Decision**

The arrears of rent arose in October and November 2023. Prior to the CMD on 25 June 2024 the Respondent lodged a detailed chronology of events as to how the arrears accrued due to her housing benefit having been cancelled due to the Applicant having failed or delayed to provide proof of her ownership of the Property. The Respondent then required to apply for Universal Credit which is not backdated. She says she was not at fault for rent not being paid at that time and did everything correctly.

Ms Campbell-Hynd was unaware of the Respondent's previous written submissions which is unfortunate as they had been intimated to her firm at the beginning of June 2024. Without her detailed remarks on these submissions the Tribunal could not assess and note the disputed issues between the parties and fix a Hearing. It was not appropriate to continue the application yet again given that it had already been continued for a period of more than 4 months.

#### **Decision**

The application is refused.

#### **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**

\_\_\_\_\_ **6 November 2024**  
**Date**