



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

Chamber Ref: FTS/HPC/CV/24/2782

Re: Property at 61 Academy Street, Larkhall, ML9 2BJ (“the Property”)

Parties:

Scott Properties (UK) Ltd, 4d Auchingramont Road, Hamilton, ML3 6JT (“the Applicant”)

Miss Abigail McMurdo, Mrs Gwen McMurdo, 6 GLENBURN AVENUE, STONEHOUSE, ML9 3JA (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondents in favour of the Applicant in the sum of £2,898.61.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant sought an order for payment in the sum of £2,898.61 in respect of arrears said to have been incurred by the First Respondent.
2. A case management discussion (“CMD”) took place on 31 October 2024 and the Tribunal issued a note summarising that discussion and a notice of direction to the Respondents.
3. On 19 November 2024, the Tribunal received an email from the Second Respondent, attaching screenshots of the First Respondent’s bank account and copy statements in relation to the First Respondent’s entitlement to universal credit.

4. On 25 November 2024, the Tribunal received an email from the Applicant's representative, attaching a screenshot of a bank account showing all payments received on behalf of the First Respondent from 28 April 2023 to 29 January 2024.

The case management discussion – 27 November 2024

5. The CMD took place by conference call. The Applicant was represented by Miss Cheryl Young. The Respondents joined the conference call represented themselves. The Tribunal acknowledged the submissions made by both parties since the last CMD. The Tribunal explained that the documentation lodged by the Second Respondent shows that the housing element of the First Respondent's universal credit claim was paid directly to the First Respondent for the periods 23 July 2023 to 22 August 2023 and 23 August 2023 to 22 September 2023. It also showed that the housing element was paid directly to the Applicant's letting agent for the periods from 23 September 2023 to 22 January 2024. Finally, it showed that a payment was made in February 2024, but that related to a different address. The Tribunal then referred parties to the screenshot of a bank statement lodged by the Applicant's representative and explained that this accords with the information produced by the Respondents. The First Respondent explained that she did not recall receiving the housing element directly from her universal credit claim but advised that she will raise this matter separately with the Department for Work and Pensions.
6. On the basis of the information produced, the Respondents accepted that the sum sought by the Applicant is due. The First Respondent indicated a willingness to paying that sum by instalments and the Tribunal explained that the parties can agree a repayment plan between themselves if wished. The parties were advised that an order for payment was granted in the sum of £2,898.61.

Findings in Fact

7. The Applicant is the landlord of the Property at 61 Academy Street, Larkhall, ML9 2BJ
8. The First Respondent was the tenant at the Property from 11 March 2022 to 28 March 2024, in terms of a private residential tenancy.
9. The contractual monthly rent was £500, payable in advance, which increased to £515.
10. The Second Respondent guaranteed the obligations of the First Respondent in respect of the private residential tenancy.

11. The Respondents owes the Applicant £2,898.61 in respect of rent arrears, interest and a sheriff officer's fee.

Reason for Decision

12. The Tribunal proceeded on the basis of the documents lodged, and the submissions made at the CMD. At the previous CMD, the Respondents accepted that rent arrears were due but contended that not all universal credit payments had been accounted for in the rent statement. From the documentation lodged by both parties, it was clear that all of the universal credit payments received by the Applicant have been taken account of in the rent statement. The Tribunal was satisfied that the rent statement was accurate. The Tribunal was satisfied on the basis of the documentary evidence produced and the submissions made at the CMD that Respondents owe the sum of £2,898.61. Accordingly, an order for payment in that sum was granted.

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.

Nicola Irvine

Legal Member/Chair

27 November 2024

Date