



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/24/2098

Re: Property at 1b MacIntyre Place, Gairloch, IV21 2DQ (“the Property”)

Parties:

Communities Housing Trust, Suite 4 second floor, Moray House, 16-18 Bank Street, Inverness, IV1 1QY (“the Applicant”)

Miss Hazel Patterson, 1b MacIntyre Road, Gairloch, IV21 2DQ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £6527.22.

Background

1. This is a Rule 111 application made in the period between 7th May and 3rd July 2024. The Applicant was seeking an order for payment in the sum of £6527.27 in respect of rent arrears. The Applicant lodged a copy of a tenancy agreement between the parties that commenced on 7th August 2020, a rent statement, and rent increase notification.
2. Service of the application and notification of a Case Management Discussion to take place on 18th December 2024 was made upon the Respondent by Sheriff Officer on 13th November 2024.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 18th December 2024. The Applicant was represented by Mrs Helen Mackie, Housing Manager. Ms Melanie Davidson, Housing Officer, was also in attendance. The Respondent was not in attendance.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
5. Mrs Mackie explained the background to the application and how the arrears arose when the Respondent lost her job in 2020. There were issues in respect of benefits. Matters have since improved. Universal Credit are making small payments towards the arrears and the Respondent is receiving support from the Applicant. The balance is reducing slowly.
6. Mrs Mackie said the Respondent accepts the sum is due and had indicated to the Applicant that she would not be attending the CMD. The Respondent is a good tenant, and the Applicant is keen to continue supporting her, but wishes to have the security of an order for payment.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 7th August 2020.
 - (ii) The rent was increased annually.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

8. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £6527.22.

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.

Helen Forbes

Legal Member

18th December 2024
Date