



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/20/0095

Re: Property at 1 Robert Street, Arbroath, DD11 3AT (“the Property”)

Parties:

Mr Duncan Bertram, C/O Wardhaugh Property, 155 High Street, Arbroath (“the Applicant”)

Mr Darral Brown, 1 Robert Street, Arbroath, DD11 3AT (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the sum of £916.77 to the Applicant in relation to rent arrears due by the Respondent.
2. The application contained:-
 - a copy of the tenancy agreement;
 - rental statement; and
 - various emails

3. The Applicant's agent Lori Beattie from Wardhaugh Property, appeared on behalf of the Applicant. There was no appearance by the Respondent.
4. Notice of the Hearing had been served on the Respondent by sheriff officers on 30 January 2020. I was satisfied that service had been carried out, and I was prepared to proceed with today's hearing in his absence.
5. The Applicants' agent lodged a copy of a print out from Companies House showing that Bell Rock (Scotland) Limited had one director Duncan Bertram. I allowed this document to be lodged.

Hearing

6. The Applicants' agent referred me to the papers which had been lodged in support of the application, including the tenancy agreement, rent account statement and emails. She confirmed that this application related to unpaid rent due in terms of that agreement. The Respondent received universal credit which covered the rent for the property. The universal credit payment had been sent to the Respondent from May until the beginning of August 2020. The Respondent had not paid it to the letting agent, and rent arrears accrued. Since August 2019 universal credit was paid direct to the letting agent. The rent arrears which had accrued have not been paid. The Respondent has been advised about the arrears. The Respondent has failed to make any payments towards the arrears despite requests to do so.
7. The Applicants' agent advised that the arrears were still outstanding and she sought an order for payment.

Findings in Fact

8. The Tribunal found the following facts to be established:
9. A tenancy agreement was entered into between the Applicant and the Respondent for the property and existed between the parties. It was entered into on 16 May 2019.
10. Clause 8 in the tenancy agreement provided that monthly rent was £260 and was payable each month in advance on the 1st of the month. The first payment due was £136.77, payment for part of May.
11. The rental statement showed amounts due each month and amounts received.
12. Rent was not paid by the Respondent to the Applicant between 16 May 2019 and 1 August 2019.
13. Rent due between 16 May 2019 and 1 August 2019 amounted to £916.77.

14. That it appeared that there had been no payments towards the rent arrears other than those shown on the rent statement.

Reasons for Decision

15. Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from private residential tenancies. As this tenancy is a private residential tenancy I am content that I have jurisdiction to deal with this case.

16. There was no response or appearance from the Respondent but he had been notified of today's hearing.

17. The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondent has failed to do so. There was submitted a rental statement showing the arrears due and additional information provided today by the Applicant's agent was that there had been no payments towards the rent arrears.

18. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for.

Decision

19. I grant an order in favour of the Applicant for NINE HUNDRED AND SIXTEEN POUNDS SEVENTY SEVEN PENCE (£916.77) STERLING against 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.

Melanie Barbour

4.8.2020

Legal Member/Chair

Date