



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/20/1589

Re: Property at 19 Backdykes, Auchtermuchty, Cupar, KY14 7AB (“the Property”)

Parties:

Mrs Yvonne Verrecchia, c/o Victoria Letting, 4 Chancellor Street, Glasgow, G11 5RQ (“the Applicant”)

Miss Phoebe Tang, Mr Edward Crawford, 19 Backdykes, Auchtermuchty, Cupar, KY14 7AB; 19 Backdykes, Auchtermuchty, Cupar, KY14 7AB (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 24th July 2020. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 12 of the Private Housing (Tenancies) Act 2016.

The Case Management Discussion (“CMD”)

2. A CMD was held on 27th November 2020 at 10am by teleconference due to Covid 19 restrictions. The Applicant was represented by Ms Annette Hanna. The Applicant did not attend. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing. Ms Hanna informed the Tribunal that there have been no further payments made. The last payment was on 11th October 2019. The Tribunal noted that there was an offer in the papers for payments of £1050 per month from February 2020. Ms Hanna advised that these payments have not been forthcoming and she has heard nothing further on this. Ms Hanna noted that the last communications that she had from the Respondents was from the First Named Respondent, Miss Tang, who emailed in July 2020 to advise that she had moved out of the Property. Ms Hanna doubts that this is the case as the First Named Respondent’s car has been seen to be outside the Property most of the time. Ms Hanna understands that both Respondents are in employment and there are no outstanding Housing Benefit or Universal Credit Housing Element issues. Ms Hanna also noted that a separate Tribunal had granted an order for the outstanding sum due between 1st November 2019 – 7th August 2020. A separate application will be made for the remaining arrears.

Findings and reason for decision

3. A Private Rented Tenancy Agreement commenced 1st February 2019.
4. The Respondent persistently failed to pay their rent charge of £525 per month. The rent payments are due to be paid on 1st day of each month.
5. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the hearing.
6. There are no outstanding Housing Benefit issues.
7. The application stated that there were unpaid rent payments amount to £4725. There have been no rent payments since 11th October 2019.

Decision

8. The Tribunal found that ground 12 has been established and the granted an order in favour of the Applicant.

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.

Gabrielle Miller

27th November 2020

Legal Member/Chair

Date