



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/18/1719

Re: Property at 41 Spoolers Road, Paisley, PA1 2UL (“the Property”)

Parties:

Places for People Homes Limited, c/o Touchstone, Stanley House, Clarence Dock, Leeds, LS10 1PZ (“the Applicant”)

Ms Katie O’Dowd, 41 Spoolers Road, Paisley, PA1 2UL (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant of the sum of two thousand two hundred and forty nine pounds 86 pence (£2249.86).

This is a case management discussion ‘CMD’ regarding an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules 2017, ‘the rules’. The application was made on behalf of the applicant, Places for People Limited, the landlords of the property at 41 Spoolers Road Paisley PA1 2UL, by Patten and Prentice Solicitors on 9 June 2018.

This application has a procedural history. The tribunal granted an order for payment of the sum of £3359.86 in the absence of the respondent on 3 October 2018. This was recalled on 31 March 2019 on the basis of representations made by the respondent. The respondent disputed that she received the tribunal papers and she also disputed the level of the arrears. In her email to the tribunal of 13 March 2019 she stated that she moved out of the property in July 2018. Her view was that

L Ward

arrears of rent should not be granted after that date. The tribunal therefor reviewed the decision on 21 March 2019, recalled the order assigned a new CMD.

The tribunal had before it the following copy documents:

1. Application dated 6 July 2018 and received by the tribunal on 9 July 2018.
2. Tenancy agreement.
3. Land certificate.
4. Rent statement detaining arrears to July 2018.
5. Decision of the tribunal of 3 October 2018 and 21 March 2019.
6. Emails from the respondent to the tribunal dated 6 February 2019 and 13 March 2019.
7. Correspondence lodged by respondent including letter dated 18 August 2018 regarding housing application.

Discussion

The respondent was represented today by her friend Mr Mark McGrady. The applicant was represented by Mr David Slack solicitor. Mr McGrady stated that the rent arrears had accrued due to the respondent's difficult personal circumstances. He was not disputing the arrears up until the end of July 2018 and the tribunal noted that in her email of 13 March 2019 the respondent stated that she moved out of the property around 18 July 2018. Mr Slack sought an order for payment of arrears as per the application and rent statement in the sum of £2249.86. The tribunal inquired whether the respondent was seeking time to pay and offered the respondent's representative the opportunity of an adjournment to take instruction and complete a time to pay application. Mr McGrady declined this offer in the basis that he would not be able to contact the respondent. She may decide to seek a time to pay order at a later date.

Findings in fact

1. The applicant is the owner of the property at 41 Spoolers Place Paisley.
2. The applicant entered into a short assured tenancy with the respondent in January 2016 for an initial period of one year and month to month thereafter.
3. The monthly rent was £360 and this increased to £370 in February 2018.
4. The rent arrears as at July 2018 were £2249.86.
5. The rent arrears are still outstanding.

Reasons

This was a CMD for payment of rent arrears. There was no dispute that the sum of £2249.86 has accrued and remains outstanding. The respondent's representative did not seek a time to pay direction.

L Ward

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.

L Ward

25 July 2019

Date