



**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/19/1886

Re: Property at 5A Woodbank Crescent, Johnstone, PA5 8ER (“the Property”)

Parties:

Mr Robbie Robertson, Monkreddan Farm, Kilwinning, KA13 7QL (“the Applicant”)

Mr Marc Reid, Mrs Marrieanne Reid, 5A Woodbank Crescent, Johnstone, PA5 8ER; 5A Woodbank Crescent, Johnstone, PA5 8ER (“the Respondent”)

**Tribunal Member:
George Clark (Legal Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,606.52.

Background

By application, received by the Tribunal on 18 June 2019, the Applicant sought an Order for Payment in respect of arrears of rent for the Property that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,818.84 along with any further sums due from the date of the application to the date the Order is made.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 14 December 2018 at a rent of £475 per month and a Rent Statement showing arrears as at 4 June 2019 of £1,818.84.

On 9 July 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 29 July 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow, on the afternoon of 13 August 2019. The Applicant was represented by Kay Slater of TC Young, solicitors, Glasgow. The Respondents, Mr and Mrs Reid, were both present. The Applicant's representative provided the Tribunal with an updated Rent Statement which showed that the arrears now stood at £1,606.52.

The Respondent, Mr Reid, told the Tribunal that, as a result of a serious health issue, he had been unable to work for many months and Mrs Reid said that she had been working in an office, but the office had closed down, so she was currently unemployed. They were now in receipt of benefits, the housing element of which was £406.16 every four weeks. This was being paid directly to the Applicant's agents, Rent on Time. In addition they had, since 15 May 2019, been paying a further £50 per week to the agents.

The Applicant's representative told the Tribunal that her instructions were to ask the Tribunal to make an Order for Payment of the sum of £1,606.52 without a hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would determine the application without a hearing.

The Tribunal was satisfied from the Rent Statement provided and the evidence led by the Applicant's representative, that the amount sought by the Applicant had become lawfully due by the Respondent. The Tribunal noted the efforts being made by the Respondent to reduce the arrears, but that it would still be more than a year before they could be cleared, at the present rate of payment. The Tribunal told Mr and Mrs Reid that it was for the Applicant to decide whether to seek to enforce the Order and that it was still open to them to seek a meeting with the Applicant with a view to agreeing a payment plan whereby the Applicant would not meantime take steps to enforce the Order against them.

Decision

The Tribunal determined that the application should be determined without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,606.52.

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.

George Clark

Legal Member/Chair

13 August 2019

Date