



**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/19/2368

Re: Property at 62 Ardmay Crescent, Glasgow, G44 4PR (“the Property”)

Parties:

ISES Property Limited, 18 North Street, Glenrothes, KY7 5NA (“the Applicant”)

Ms Annie Craig, 62 Ardmay Crescent, Glasgow, G44 4PR (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,935.83

Background

By application, received by the Tribunal on 29 July 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,465.83.

The application was accompanied by copies of a Short Assured Tenancy Agreement between the then owners of the Property and the Respondent, commencing on 1 September 2016, at a monthly rent of £485, and a Statement of Rent showing arrears as at 1 July 2019 of £3,465.83.

On 15 August 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 25 September 2019. The Respondent did not make any written representations.

On 9 September 2019, the Applicant requested permission to amend the sum sought to £4,185.83.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre on the afternoon of 25 September 2019. The Applicant was represented by Ms Kirsty Morrison of TC Young solicitors, Glasgow. The Respondent was also present. Ms Morrison told the Tribunal that her instructions were to seek the Order for Payment without a Hearing. She advised that the arrears now stood at £3,935.83.

The Respondent told the Tribunal that she had been endeavouring to make payments of £125 per week. She was due to undergo major surgery on 17 October 2019, which would have a lengthy recovery period. She had arranged to obtain legal advice next week and had an appointment with a benefits officer. She hoped to be awarded Housing Benefit to cover the ongoing rent, leaving her able to continue to reduce the arrears at £125 per week, but she accepted that the amount sought was due. Ms Morrison asked for a short adjournment in order to take instructions and, on the resumption, advised the Tribunal that, whilst the Applicant had great sympathy with the Respondent with regard to her health and personal circumstances, the instructions to Ms Morrison were unchanged, because of the persistence of the arrears.

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 that the sum sought was lawfully due by the Respondent to the Applicant.

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,935.83.

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.



Legal Member/Chair

25 September 2019

Date