



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/18/3172

Re: Property at 25 Bell Place, Forfar, DD8 3AZ (“the Property”)

Parties:

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Ms Laura Hoggan, 21 Lochbank Gardens, Forfar, DD8 3HG (“the Applicant”)

Ms Billie Getty, formerly of 25 Bell Place, Forfar, DD8 3AZ (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £3153.92.

Background

1. By application dated 21 November 2018 the Applicant applied to the Tribunal for an order for payment against the Respondent in respect of alleged rent arrears due by the Respondent for her tenancy of the property. The Applicant’s representatives, Bowmans, Solicitors, Dundee submitted a partial copy of the Private Residential Tenancy Agreement and a rent statement in support of the Application.
2. Following further communication between the Tribunal and the Applicant’s representatives, by Notice of acceptance dated 26 February 2019 a legal member of the Tribunal with delegated powers accepted the Application and a Case Management Discussion was assigned.
3. A Case Management Discussion was held on 9 April 2019. The applicant’s representative sought to amend the sum claimed to £5153.92. As intimation of the

amended sum had not been made to the Respondent who was not present the Case Management Discussion was adjourned to another date.

4. An Adjourned Case Management Discussion was held on 23 May 2019. The respondent was again not present. Intimation of the amended sum claimed had not been made to her by the Applicant's representative due to a misunderstanding of the Tribunal rules. The Case Management Discussion was again adjourned.

5. A further Case Management Discussion was assigned to take place on 10 July 2019. Sheriff Officers were unable to effect service of the papers on the Respondent as she had removed from the property and there was no forwarding address. The Case Management discussion was adjourned and intimation was given to the Respondent by way of Service by Advertisement on the Housing and Property Chamber website on 1 July 2019.

The Case Management Discussion

6. The Adjourned Case Management discussion was held at Dundee Carers Centre, Seagate House, 132-134 Seagate, Dundee on 9 August 2019. It was attended by Ms Donna Gray of the Applicant's representatives. There was no appearance by the Respondent. As the Tribunal was satisfied that intimation had been given to the Respondent by way of advertisement in accordance with the Tribunal rules the Case Management discussion proceeded in her absence.

7. Ms Gray confirmed that the Applicant had obtained an order for the eviction of the Respondent from the property and that the tenancy had ended on 10 June 2019. The Respondent had moved out of the property some time before this date but the exact date was unknown.

8. Ms Gray referred the Tribunal to the rent schedule previously submitted. She confirmed that the rent outstanding at 12 May 2019 would have been £6153.92. However although she had previously sought to amend the sum claimed to that amount the amendment had never been intimated to the Respondent. She indicated that the Applicant had not wanted to incur any further expense and in the circumstances she was no longer insisting on seeking the increased amount but wished an order for the original sum claimed namely £3153.92.

8. Ms Gray advised the Tribunal that as far as she was aware the Respondent had not paid a deposit. The sum claimed was as shown on the rent statement. Ms Gray asked the Tribunal to grant an order in that amount.

Findings in Fact

9. The parties entered into a Private Residential Tenancy Agreement that commenced on 12 December 2018 and ended on 10 June 2019.

10. The rent was £500.00 per calendar month.

11. The Respondent had accrued rent arrears of £3153.92 as at 12 November 2018.

12. The Respondent made no further payments of rent during the remainder of her tenancy.

Reasons for Decision

13. The Tribunal was satisfied that the parties had entered into a Private Residential Tenancy Agreement and that the monthly rent was £500.00. It appeared from the documents submitted by the Applicant's representatives that the Respondent had been in receipt of Housing Benefit of £461.52 per month from June 2018 until September 2018. No other payments of rent had been received from the Respondent throughout the duration of the tenancy. The Tribunal was therefore satisfied that the rent outstanding at the date of the application to the Tribunal was £3153.92 and the Applicant was therefore entitled to an order for payment in that amount, proper intimation of the application having been given to the Respondent by way of Service by Advertisement on the Housing and Property Chamber Website. It would be open to the Applicant to make a further application to the Tribunal in respect of any additional rent arrears that had accrued after the date of the application if she so wished.

Decision

14. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £3153.92.

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.

G Harding

Legal Member/Chair

9 August 2019

Date