



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 14 of the Housing (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/18/3236

Re: Property at 33 Culduthel Park, Inverness, IV2 4RU (“the Property”)

Parties:

Mr Andrew Sutherland, 33 Ardconnel Terrace, Inverness, IV2 3AE (“the Applicant”)

Mr Robert Macdonald, 33 Culduthel Park, Inverness, IV2 4RU (“the Respondent”)

Tribunal Members:

Helen Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment against the Respondent in the sum of £5512.16 should be granted in favour of the Applicant

This is a Rule 70 application for a payment order in respect of rent arrears. At the time of making the application in November 2018, the sum outstanding was £3530.00.

Case Management Discussion

A Case Management Discussion took place at the Spectrum Centre, 1 Margaret Street, Inverness, IV1 1LS on Twenty-fifth February 2019. Both parties were present.

The Applicant said the arrears had now increased to £5512.16, and moved to amend the application to increase the sum sought. The Respondent had been a tenant for almost five years. Initially, the Respondent was missing odd payments of rent and then catching up. The situation has gradually deteriorated with several months of missed payments. The Applicant applied to have the deposit of £585 returned to him and that was paid on 14th January 2019. On 12th February 2019, a payment of

£397.84 was made by the Respondent towards the rent. The rent is £595 per month, so there was a shortfall of almost £200.

The Respondent said he would like it put on record that he is apologising to the Applicant for the situation. He accepted that the sum of £5512.16 is outstanding and agreed to the amendment to the sum sought. The Respondent is in receipt of Universal Credit. There were delays with the payment of this benefit, and now he is receiving £397 per month towards the rent. He has asked that it be paid to the Applicant directly and that it be paid fortnightly instead of monthly. He is not in employment and cannot meet the shortfall. He is seeking employment.

Findings in Fact

- (i) There is a short assured tenancy agreement in respect of the Property between the parties dated 24th May 2014
- (ii) The monthly rent for the Property is £595
- (iii) The Respondent has failed to make payment of rent lawfully due to the Applicant.
- (iv) Rent lawfully due to the Applicant by the Respondent in the sum of £5512.16 is outstanding.

Reasons for Decision

The sum of £5512.16 is outstanding. The Respondent agrees that the sum is outstanding and has no objection to the sum sought being amended. The Respondent has failed to make payment of rent lawfully due to the Applicant.

Decision

An order for payment against the Respondent in the sum of £5512.16 is granted 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.

Helen Forbes

Legal Member/Chair

25th February 2019
Date