

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

---



**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/18/0044**

**Re: Property at 60 Sycamore Court, East Kilbride, Glasgow, G75 9JT ("the  
Property")**

**Parties:**

**Mrs Carol Mathieson, 17 Westport, East Kilbride, Glasgow, G75 8QR ("the  
Applicant")**

**Mr Stephen Rae, Mrs Kelly Rae, 60 Sycamore Court, East Kilbride, Glasgow,  
G75 9JT ("the Respondent")**

**Tribunal Members:**

**Steven Quither (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that**

**BACKGROUND**

An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("2017 Rules") seeking an order for payment for rent arrears in relation to an assured tenancy under the Housing (Scotland) Act 1988 by the Applicant against the Respondents in relation to the Property.

Submitted with the Application was a copy of the tenancy agreement, Applicant's bank statements for appropriate period, Rent Increase Notice and requests for payment.

A Case Management Discussion ("CMD") took place on 12 April 2018 at 10am, along with another CMD for associated case EV/18/0017, for eviction. Accordingly, I had information available to me from that CMD.

Notice of the Case Management Discussion, together with confirmation that the Respondent could make written representation on the application on or before 5 April 2018, and a copy of the application was served by the sheriff officers on the Respondent on 20 March 2018. No representations were made by the Respondent, either in writing or by appearance at the CMD.

#### **CASE MANAGEMENT DISCUSSION**

AiA Real Estate Ltd, 153 Queen Street, Glasgow (AiA), the Applicant's Representative appeared on behalf of the Applicant. There was no appearance by the Respondents.

I was satisfied that the Respondents had received notice of the Case Management Discussion. Accordingly, I was prepared to proceed in their absence.

No preliminary motions were made.

The Applicant's Agent submitted that she was seeking an order for payment of rent arrears for the revised amount of £1850, taking into account Housing Benefit now received on behalf of the Respondents. I was further advised that the Respondents had now left the property and the tenancy had ended.

#### **FINDINGS IN FACT**

I have found the following facts established:-

A tenancy agreement existed between the Applicant and the Respondents, as from 16 October 2014 and in terms of which rent was due of £650 per calendar month, which rent was increased to £700 per month by notice of 24 January 2017.

By reference to the Applicant's bank statements, rent seems to have been paid until August 2017, when there was a £150 shortfall and since when no further rent was paid, up until Housing Benefit of £600 per month commenced with effect from December 2017, when £1200 was paid for the period 11 December 2017 to 7 January 2018. Accordingly payments due for each of the months from September to December 2017 were not paid, a total of £2800 which, added to the £150 shortfall for August gave a total due of £2950 and, deducting the £1200 Housing Benefit resulted in a total of £1750 being then due. A further £400 is now due for the period from January to April 2018, being 4 months rent of £700 per month less the £600 Housing Benefit per month received. AiA sought to amend the figure claimed at the CMD and I consented to them doing so in terms of Rule 13.

As indicated, no written or verbal representations were made by the Respondents either prior to or at the CMD, which they did not attend.

#### **REASONS FOR DECISION**

Section 16 of the Housing (Scotland) Act 2014 provides as follows:

"16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments."

Accordingly, the Tribunal now has jurisdiction in relation to claims by a landlord (such as the Applicant) for payment of unpaid rental against a tenant (such as the Respondents) under a short assured tenancy such as this.

There was a tenancy between the parties which has now been brought to an end by associated proceedings. In terms of that tenancy, rent was payable by the Respondents to the Applicant. In the absence of challenge by the Respondents, was satisfied that the documentation lodged in support of the application and information provided to me at the CMD was sufficient evidence of rent arrears by the Respondents in the sum of £2150. In terms of Rule 17 of the 2017 Rules I am entitled to do anything at a case management discussion which I may do at a hearing, including making a decision. Accordingly, I am satisfied I can now make the order for the Respondents to pay rent arrears.

#### **DECISION**

I am satisfied I can make the order for payment of £2,150 in favour of the Applicant against the Respondents and accordingly now do so.

#### **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.

Date 12 APRIL 2018

SR QUITHER \  
Legal Member/Chair