



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/18/0297

Re: Property at 179 Inveraray Avenue, Glenrothes, Fife, KY7 4QS (“the Property”)

Parties:

Ms Gillian Stewart, 5 Queen Street, Cupar, Fife, KY15 7HP (“the Applicant”)

Ms Erin Innes, 179 Inveraray Avenue, Glenrothes, Fife, KY7 4QS (“the Respondent”)

Tribunal Members:

Petra Hennig-McFatrige (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

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

- 1.** The Hearing took place at Kirkcaldy on 11 June 2018. Present were the Applicant Gillian Stewart with Mr McCunn as supporter and the solicitor for the Applicant Mrs McLaughlin. The Respondent was not present. The tribunal was satisfied that the Respondent had received notification of the hearing by letter dated 9 April 2018 to her address.
- 2.** The application for an order for payment of rent arrears had been made on 30 January 2018 and was accompanied by a bundle of bank statements, a copy of the tenancy agreement which listed the Applicant and a Robert Stewart as Landlords and a letter from the Applicant to the Respondent dated 24 November 2017. The sum applied for at the time was £13,500.
- 3.** On 3 April 2018 a Case Management Discussion had taken place where issues regarding the entitlement of the Applicant to make the application in her sole name and issues regarding the presentation of evidence with regard to the outstanding sum had been raised. A Note had been prepared and is referred to for its terms and held to be incorporated herein.

4. The Respondent has not made any representations regarding the application, the Not on the Case Management Discussion and has not lodged a defence.
5. A review request of the Case Management Note had been made by the Applicant's solicitors on 11 April 2018, which also produced a letter from Mr Robert Stewart, the second landlord named on the tenancy agreement, that he had no interest in the proceedings.
6. The Review request had been dealt with by the tribunal in a note on the review request refusing the request for items 1, 2 and 3 and allowing the request for item 4. These are referred to for their terms and held to be incorporated herein. Unfortunately it had not been possible to accommodate the request for an earlier hearing date due to pressure of business.
7. At the hearing the solicitor for the Applicant presented an inventory of productions with a colour coded copy of the bank statements previously submitted and further bank statements up to June 2018 as well as a Schedule of Arrears setting out the calculation. It was confirmed that the sum sought was £10,875 as per the bank statements lodged.
8. The Applicant gave evidence that no further payments had been received since December 2016 and that in addition to that there were significant further historic rent arrears. She also gave evidence that she had tried to support the tenant in obtaining housing benefit and that the tenant had been seeking advice from the CAB in 2016 but that the tenant had not engaged with her in discussing the arrears since the application had been lodged and rarely answers the door. The tenant is not interested in leaving the premises and is still living at the property.

Findings in Fact:

1. The property is let on a Short Assured Tenancy, which commenced on 14 December 2012..
2. The agreed rent is £495 to be paid in advance with the due date on the 14th of the month.
3. The rent arrears relevant to the application as at May 2018 are £10,875 as per the schedule of arrears produced and as per the bank statements produced showing part payment of rent from October 2016 to December 2016 and no further payments from 2 December 2016.

Reasons for Decision:

In terms of the Rental Agreement payment of rent of £495 is due by the Respondent to the Applicant for each month starting on the 14th of the month in advance.

Between April 2016 and May 2018 26 rental payments of £495 each were due by the Respondent amounting to £12,870. The Respondent paid a total of £1,995 in that period. The amount outstanding for that period is £10,875.

The Applicant is entitled to payment of that sum.

Decision: The Tribunal makes an order for payment by the Respondent to the Applicant for the sum of £10,875,

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.

Petra Hennig- McFatridge

Legal Member/Chair

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Date

11 June 2018