



**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/18/2635**

**Re: Property at 3/2, 26 Lochburn Gate, Glasgow, G20 0SN (“the Property”)**

**Parties:**

**Mr Grant Munro, c/o Cairn Letting, 34 Gibson Street, Glasgow, G12 8NX (“the Applicant”)**

**Ms Linda McIlwaine, 3/2, 26 Lochburn gate, Glasgow, G20 0SN (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of one thousand eight hundred and seventy five pounds and eighteen pence (£1875.18).**

**Case management discussion**

This was a case management discussion, ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act

Lesley Ward

2014, 'the Act' for recovery of rent arrears. The application was made on behalf of the owner and landlord Mr Grant Munro by Mrs Fiona Herbin of Cairn Letting. The application was originally made under rule 91 but this was amended on 23 October 2018 to rule 70. The tribunal had before it the following copy documents:

1. Application dated 2 October 2018 and received by the tribunal on that date.
2. Tenancy agreement dated 24 May 2012.
3. AT5 form dated 24 May 2012.
4. Sheriff Officer's execution of service of the application and CMD date, dated 23 November 2018.
5. Letter of 23 October 2018 amending to rule 70.
6. Rent statement from May 2012 until September 2018.
7. Letters sent to respondent by Cairn letting regarding arrears dated 27 November 2017 and 16 February 2018.
8. Land certificate.

Mrs Herbin attended the hearing as the applicant's representative and she was accompanied by Ms Gemma McFarlane of Cairn Letting. The respondent did not attend and was not represented. The tribunal had sight of item 4 above and was satisfied that the respondent had received the appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in the absence of the respondent in terms of rule 29.

Mrs Herbin sought an order for the sum of £1875.18. She explained that the amounts referred to in the statement as "transfer from unallocated" meant that these sums were received and then allocated when they were able to be tied up with the appropriate tenant. She also stated that in 2015 the rent was reduced by the landlord from £650 to £600 because the tenant was receiving housing benefit but the housing benefit was not covering the full rental payment. She exhibited an email from the landlord to Cairn letting to this effect. She was unable produce any letter sent to the tenant advising of the reduced rental payment. This reduced sum is however reflected in the rent statement produced.

### **Reasons**

The tribunal was satisfied that the applicant is owed the sum of £1875.18 in respect of rent arrears for the property which accrued from 2012 until 5 September 2018. The tribunal is satisfied that it has sufficient information before it to today to make the decision and the procedure has been fair.

Lesley Ward

## 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.

Lesley Ward

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Lesley A Ward Legal Member

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18 December 2018.