



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/19/0162

**Re: Property at Bush Cottages No2, Glen Tanar, Aboyne, AB34 5EU (“the
Property”)**

Parties:

Mr Michael Bruce, Brooks House, Glen Tanar, Aboyne (“the Applicant”)

**Ms Vikki Semple, Bush Cottages No2, Glen Tanar, Aboyne, AB34 5EU (“the
Respondent”)**

Attendees at CMD:

The Respondent (by teleconference call)

Mr Matthew Havers, the Applicant’s representative (by teleconference call)

Tribunal Member:

Aileen Devanny (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment in the sum of £5,321.57
should be made for arrears of rent and arrears of water and sewerage charges
due for the period to 8 April 2019.**



Background

1. On 15 January 2019 the Applicant lodged an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rule of Procedure. The application was for an order for payment of rent arrears for the above named Property.
2. This case called for a case management discussion (CMD) on 20 March 2019 before the Tribunal. The case was continued to allow the Respondent to seek legal advice and possibly money or benefit advice and to allow negotiations between the parties. An amended statement of sums owing as at 19 March 2018 had been submitted to the Tribunal by the Applicant the day before the CMD and this showed a sum owing of £5,321.57 and discussions had taken place at the CMD around that figure. Although the Respondent was present at the CMD, a copy of the amended statement had not been provided to her and the Tribunal asked for a copy to be sent to the Respondent by the Tribunal administration.

The Second Case Management Discussion held on 8 May 2019

3. The Respondent and the Applicant's representative attended the hearing by teleconference call. Written notification had been given to parties in advance that the Tribunal could decide the matter at a CMD if satisfied it had sufficient evidence and it was fair to do so.
4. The Legal Member explained the procedure for the CMD at the start of the proceedings. She clarified that the proceedings before the Tribunal related to an application for payment of rent arrears and water and sewerage charges. It was agreed by the Applicant's representative that £5,321.57 was the sum due for rent arrears and water and sewerage charges for the period to 8 April 2019. It was agreed by the parties that the monthly payment of £681.89 due on 9 April 2019 had been paid in full by the Respondent. The Respondent advised that she accepted the sum of £5,321.57 was due and had been in negotiations with the Applicant's representative. Enquiry revealed that although the amended rent statement referred to at the last CMD had been sent by recorded delivery to the Respondent, she had not collected the letter. She did not dispute the sum due but to ensure fairness the Legal Member read out the entries on the amended statement of the sums sought and her payments in the period to ensure that the Applicant understood the calculation. The Respondent accepted the accuracy of the amended statement and accepted that she owed the due amount stated on the statement.
5. The Respondent was made aware of the effect of a payment order and the ability of the Applicant to enforce that order irrespective of any informal arrangement made in future negotiations between the parties.



6. Findings in Fact

- The parties entered into a tenancy agreement for the Property.
- The Respondent was due to pay the Applicant rent at the rate of £650 per month in advance along with a monthly water and sewerage charge of £31.86.
- The rent arrears and arrears of water and sewerage charges due for the period to 8 April 2019 are £5,321.57.
- The tenancy of the property is ongoing.

Reasons for Decision

Having been satisfied that the amount of £5,321.57 is due by the Respondent to the Applicant, a payment order for that sum is made.

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.


Legal Member/Chair

8th May 2019.
Date

