

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/20/0172

Re: Property at 60 Alloway Terrace, Dundee, DD4 6AL (“the Property”)

Parties:

B & T Properties, 50 Old Glamis Road, Dundee, DD3 8JJ (“the Applicant”)

Ms Stacey Wallace, 60 Alloway Terrace, Dundee, DD4 8AL (“the Respondent”)

Tribunal Members:

Valerie Bremner (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order should be made in the sum of £2656.23 against the Respondent.

Background

This is an application in terms of Rule 70 of the Tribunal rules which was submitted on 17th January 2020 and accepted by the Tribunal on 27th January 2020.

Case Management Discussion

The Applicant did not attend the case management discussion but was represented by Mr Campbell solicitor of Campbell Boath Solicitors. The Respondent was not present. The Tribunal was aware that the application and papers had been served on the Respondent by Sheriff Officer and Mr Campbell moved to proceed in her absence. The Tribunal determined that the matter should proceed in her absence in terms of the Rules given that service had been effected on her.

The Tribunal had the application, the tenancy agreement and a statement of rent arrears. Mr Campbell advised the Tribunal that the rent had been paid by Housing benefit direct to the landlord but there was a gap where no payments were made between July and November 2019 and arrears had accrued outwith this period too. At no stage had the Respondent indicated there was any difficulty with payment of any benefit towards the rent due. The arrears as at December 2019 were £2656.23.

Mr Campbell moved for a payment order for this sum and this was granted by the Tribunal.

Findings in Fact

1. The Applicant and Respondent entered into a short assured tenancy agreement with effect from 12th June until 14th December 2015. The agreement continued on a monthly basis thereafter.

2. The monthly rent for the property is £460.

3. Whilst the rent was paid at least in part by Housing benefit the Respondent at no time indicated that the arrears of rent were due to any issue arising with benefit payments which appeared to stop for a period of four months during 2019. When the payments started again in November 2019 these were for a lower amount than previously.

4. The rent arrears are lawfully due by the Respondent to the Applicant and is in the sum of £2656.23.

Reason for Decision

The Tribunal granted a payment order in the sum of £2656.23 as it was satisfied that the rent arrears are lawfully due by the Respondent to the Applicant in respect of the property.

Decision

The Tribunal granted a payment order in the sum of £2656.23 in favour of the Applicant and against the Respondent.

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.

Miss Valerie Bremner

13/03/2020

Legal Member/Chair

Date