



**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/20/0384

**Re: Property at 17 Rankin Court, Kilmarnock, Ayrshire, KA3 7QU (“the
Property”)**

Parties:

**Easton Property Auchans Ltd, 2 Newfield Drive, Dundonald, Ayrshire, KA2 9EW
 (“the Applicant”)**

**Ms Joyce Cummings, 17 Rankin Court, Kilmarnock, Ayrshire, KA3 7QU (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent(s) for
payment of the undernoted sum to the Applicant(s):**

**Sum of SIX THOUSAND NINE HUNDRED AND TWENTY-EIGHT POUNDS AND
TWENTY-FOUR PENCE (£6,928.25) STERLING**

- Background
1. An application dated 5 February 2020 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 10 August 2020. The Applicant was represented by their letting agent, Miss Farrell. The Respondent was personally present. The Applicant moved for the payment order to be granted. The Respondent disputed the level of arrears being sought and submitted that she had a backdated claim for Universal Credit pending, and that she didn’t agree with the figures lodged by the Applicant. The CMD was adjourned and a Direction issued directing the Respondent to lodge evidence that an application was outstanding for backdated payment of Universal Credit, and also provide written clarification as to the level of arrears agreed by the Respondent, and the level of arrears in dispute.
 3. A further CMD took place on 24 September 2020. The Applicant was again represented by their letting agent, Miss Farrell. The Respondent was neither present nor personally present. The Respondent had failed to respond to the Direction issued and no documentation had been lodged. The Tribunal was satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
 4. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 66 of the Rules and under case reference FTS/HPC/EV/20/0385 was heard at the same time.
 5. The Applicant moved for the order for payment to be granted as sought. The parties had entered into a Short Assured Tenancy Agreement which commenced 7 November 2015. The Respondent had failed to make payment of rent and had fallen into arrears amounting at the date of the application to £6,928.25. The Respondent was in receipt of Universal Credit and partial payments had been made towards the rent but the full monthly rent of £450 was not met, resulting in the arrears continuing to accrue. At the date of the CMD, the arrears had increased to £9,200.92. An updated rent statement had been lodged by the Applicant.
- Findings in Fact
6. The Tribunal made the following findings in fact:
 - (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 7 November 2015;
 - (b) In terms of Clause 3 of the Agreement, the Respondent was obliged to pay a monthly rent of £450 to the Applicant;
 - (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £6,928.25 at the date of the application.
- Reasons for Decision
7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought in the application. The Respondent was obliged to make payment of rent in the sum of £450 per month under Clause 3 of the Agreement and had failed to do

so. She had accrued arrears amounting to £6,928.25 at the date of the application and which fell lawfully due to be repaid to the Applicant. The Tribunal noted that no application had been submitted to increase the sum sought since the lodging of the application to reflect the current sum due. Accordingly, the Tribunal could only award the sum as stated in the application.

8. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

9. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of SIX THOUSAND NINE HUNDRED AND TWENTY-EIGHT POUNDS
AND TWENTY-FOUR PENCE (£6,928.25) STERLING

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.

Fiona Watson
Legal Member/Chair

24 September 2020
Date