



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/0271**

**Re: Property at 11 Bargeny, Kilwinning, North Ayrshire, KA13 6LS (“the Property”)**

**Parties:**

**Mrs Nichola Ferns, 61 Gilmour Wynd, Stevenston, North Ayrshire, KA20 4DA (“the Applicant”)**

**Miss Rachel Kyle, 11 Bargeny, Kilwinning, North Ayrshire, KA13 6LS (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the amount of £1795 at the rate of £25 per month.**

**Background**

The Applicant lodged an application with the Tribunal on 24<sup>th</sup> January 2019 seeking payment of the sum of £1840, being rent arrears she alleged were due by the Respondent.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Copy of letters sent to the Respondent regarding the arrears.

The Applicant also lodged an eviction application, but withdrew this on 12<sup>th</sup> April 2019 as the Respondent had vacated the property.

The Tribunal received an email from the Respondent on 9<sup>th</sup> April 2019 seeking time to pay at £25 per month and attaching an Income and Expenditure sheet.

### **Case Management Discussion ("CMD")**

The Applicant appeared personally. The Respondent did not appear and was not represented. She had telephoned the Tribunal Administration shortly before the Tribunal began to say that she would not be attending due to illness.

The Chairperson explained the purposes of a CMD in terms of the First-tier Tribunal for Scotland's Procedure Rules 2017.

The Applicant said that she was seeking payment in the amount of £1795. Rent for October, November and December 2018, and January 2019 was not paid on time. The Applicant applied to Universal Credit for the housing element to be paid direct to her, and she got £425 on each of 11<sup>th</sup> February and 11<sup>th</sup> March 2019. This left a shortfall of £15 for each month. The Respondent paid her the sum of £115 on 11<sup>th</sup> March 2019. This left a balance of £1795 due.

The Applicant was prepared to accept the Respondent's offer to pay at £25 per month.

### **Findings In Fact**

1. The parties entered in to a tenancy agreement in respect of the property on 24<sup>th</sup> March 2018.
2. The rent initially was £440 per month, increasing to £460 per month on 1<sup>st</sup> October 2018.
3. The Respondent was in arrears in the amount of £1795.

### **Reasons For decision**

The Respondent was in arrears amounting to £1795.

### **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.**

Alison Kelly

Legal Member/Chair

J

15/4/19

Date