

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/1402**

**Re: Property at 28 Edmiston Drive, Linwood, PA3 3TD (“the Property”)**

**Parties:**

**Mrs Karen Finnie, 1 Brierie Lane, Houston, Renfrewshire, PA6 7LS (“the Applicant”)**

**Mrs Tracy Cooper, 22 Melrose Avenue, Linwood, Renfrewshire, PA3 3EH (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment is granted to the amount of £3975.34**

**Background**

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £3975.34 in terms of s16 of the Housing (Scotland) Act 2014.
2. The parties entered into a Short Assured Tenancy on 1<sup>st</sup> December 2012 until 30<sup>th</sup> November 2013. The rent payments of £630 were due on or before the 1<sup>st</sup> of each month.

3. The Tribunal had before it the following documents:
  - a. Application dated 11<sup>th</sup> April 2018 and received by the Tribunal on 7<sup>th</sup> June 2018.
  - b. Tenancy agreement between the parties signed by the Applicant on 30<sup>th</sup> November 2012 and by the Respondent on 2<sup>nd</sup> December 2012 with the commencement of the tenancy on 1<sup>st</sup> December 2012 for a 12 month period until 30<sup>th</sup> November 2013.
  - c. Form AT5 signed by the Applicant on 30<sup>th</sup> November 2012 and by the Respondent on 2<sup>nd</sup> December 2012.
  - d. Copy rent account from 1<sup>st</sup> April 2017 to 1<sup>st</sup> December 2017.

#### Case Management Discussion

4. The Tribunal held a Case Management Discussion ("CMD") on 28<sup>th</sup> June 2018. The Applicant was present. The Respondent was not present. The Respondent had telephoned the Housing and Property Chamber on the morning of the hearing prior to the hearing starting to advise that she would not be attending. She stated that she accepted liability for the amount due and was to email with her reasons later. By the start of the hearing the email had not been received. The Tribunal proceeded in terms of Rule 29 of the Rules. The Tribunal considered the Application. The Applicant was not present as she was not well. The Applicant's representative did appear. The Applicant's representative stated that the Respondent had been in the Property for five years. It was not until 2017 payments were persistently missed. As far as he was aware there are no outstanding Housing Benefit issues. The Applicant's representative believes that she was in employment while in the tenancy. The Applicant raised court proceedings in Paisley Sheriff Court for eviction of the Respondent but the Respondent left the Property on or around 16<sup>th</sup> December 2017 without a forwarding address. Since that point an address has been found for the Respondent, which has been provided to the Housing and Property Chamber.

#### Findings in Fact

5. The parties entered into a Short Assured Tenancy on 1<sup>st</sup> December 2012 until 30<sup>th</sup> November 2013. The lease was signed on 30<sup>th</sup> November 2012 by the Applicant and 2<sup>nd</sup> December 2012 by the Respondent. An AT5 was signed by both parties on the same dates as the lease. The rent payments of £630 were due by the 1<sup>st</sup> day of each month.
6. An Application was sent to the Housing and Property Chamber on 7<sup>th</sup> June 2018.
7. The Respondent has failed to pay more than six payments of rent.
8. There has been no payment of Housing Benefit to the Applicant or evidence of forthcoming payments.

9. The arrears due to the Applicant amounts to £3975.34.

Reasons for Decision

10. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties. The Applicant has lodged an updated statement to the end of December 2017, which was the month that the Respondent left the property. The Tribunal was satisfied that there were no other issues of reasonableness before them. The Tribunal decided that the Respondent had persistently not paid his rent and is in arrears. As a consequence the Applicant was entitled to be granted the Order for payment of £3975.34.

Decision

11. The Applicant is entitled to for an order of payment of £3975.34. The Order was granted.

**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.**

GABRIELLE MILLER

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Legal Member/Chair

28 Aug 18  
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Date