

**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/18/1659**

**Re: Property at 21 Annan Road, Kilmarnock, KA1 3NE ('the Property')**

**Parties:**

**Mr Adrian Deeley, C/O 20 West George Street, Kilmarnock, KA1 1DG ('the Applicant')**

**Mrs Amanda Archer, 21 Annan Road, Kilmarnock, KA1 3NE ('the Respondent')**

**Tribunal Members:**

**Joseph C Hughes (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Respondent must pay the Applicant the sum of £2049.99 in respect of rent arrears**

**BACKGROUND**

1. This is an Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules 2017 ('the Rules'). The Applicant is seeking an Order for payment of unpaid rent under the tenancy agreement between the parties. The Application was accompanied by a copy of the written tenancy agreement with various supporting documents. The Respondent is the Landlord of the Property. The Applicant is the Tenant. After careful exploration with both parties, and with their cooperation throughout the Hearing, it was possible to effectively reach an agreed joint position. The Respondent accepted that she owed the Applicant the arrears in rent since the last payment by DWP to the Respondent on 22<sup>nd</sup> June 2018.

## THE HEARING

2. The Applicant attended with Ms Andrea McLean from the Letting Agent Lyn-Mar. The Respondent attended with her supporter, Mr Stewart McClintock. All attendees gave evidence.

The tribunal was very flexible in its approach to the proceedings. Critical information was obtained from both parties after allowing them access to their mobile phones. The information obtained was shared and accepted by both parties. This allowed an agreed joint position to be adopted. In essence there was an agreement about the amount of rent arrears the Respondent should pay to the Applicant.

Both parties are commended for their assistance and cooperation throughout the Hearing.

## FINDINGS IN FACT

3.
  - (a) The Respondent accepts she is in arrears to the Applicant in respect of rent arrears for the Property since the last payment to the Landlord [from DWP] on 22<sup>nd</sup> June 2018.
  - (b) The agreed arrears is £2049.99.

## REASONS FOR DECISION

4. As a result of considerable exploration and discussion, parties were able to come to an agreement that arrears were due and the amount of the arrears.
5. The tribunal was able to secure a joint position from both parties. The Respondent accepted that she instructed DWP to stop paying rent to the Applicant from her Universal Credit after the July 2018 payment.
6. The Respondent is responsible for the rent since the last payment to DWP on 22<sup>nd</sup> June 2018 from DWP. She accepts the position. The agreed amount is £2049.99.

## DECISION

7. An Order is made for payment of the sum of £2049.99 (Two thousand and forty nine pounds and ninety nine pence Sterling) by the Respondent to the Applicant.

## 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.**

J C Hughes

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**'Joseph C Hughes'  
Legal Member/Chair**

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**12<sup>th</sup> October 2018**