



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, and rules 17 and 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/18/2653

Re: Property at 90 Caneluk Avenue, Carluke, ML8 4NE (“the Property”)

Parties:

Mrs Sheena Hunter, 19 West Avenue, Carluke, ML8 4NE (“the Applicant”)

S & J Property Letting Ltd, 29A Douglas Street, Carluke, ML8 5BJ (“the Applicant’s agents”)

Mrs Gillian Sinclair, 39 Shawfield Crescent, Carluke, ML8 5JH (“the Respondent”)

Tribunal Member:

Adrian Stalker (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the sum sought by the Applicant, as rent arrears, of £509, was lawfully due from by the Respondent, granted an order for payment of that sum, by the Respondent, to the Applicant.

Background

1. On or about 31 August 2017, the Applicant’s agents, on behalf of the Applicant, entered into a written agreement with the Respondent, under which she was let the property. The agreement was a short assured tenancy. The agreed rent was £575 per calendar month.
2. By applications received by the Tribunal on 5 October 2018, the Applicant sought an order for payment of £509, being rent arrears said to be due by the Respondent.

3. On 22 October 2018, a legal member having delegated powers referred the case to the First-tier Tribunal. A Case Management Discussion (“CMD”) was scheduled for 7 December. This was intimated to the Applicant’s agents and the Respondent by letters dated 14 November. The papers for the case, including a copy of the application, and the letter of 14 November, were served on the Respondent by Sheriff Officers on 19 November.

4. In terms of the letter of 14 November, the Respondent was invited to make written representations by 3 December 2018. She did not do so.

The Case Management Discussion

5. The CMD took place at 2 pm on 7 December 2018, at the Glasgow Tribunals Centre, Room 109, 20 York Street, Glasgow, G2 8GT. Lynne Bridges and Graeme Bridges, of the Applicant’s agents, attended. The Respondent did not appear, and was not represented.

Findings in fact, and in fact and law; reasons for decision

6. The Tribunal was informed by Lynne and Graeme Bridges that the Respondent had left the property on 1 May 2018, when she returned the keys. The tenancy ended then.

7. Lynne and Graeme Bridges also advised the Tribunal that the Respondent paid the rent in full, up till the end of November 2017. Thereafter, her payments became irregular. From 1 December till the end of the tenancy, she was due to pay 5 x £575, a total of £2,875. However, she made payments totalling only £1,790.83. At the end of the tenancy, her deposit of £575 was applied to the rent arrears, making her total payments £2,365.83. The rent arrears therefore still stood at £509.17. Rent accounts were produced with the application, showing the payments made by the Respondent, and balance due. These were included in the papers that had been intimated to the Respondent.

8. Under rule 17(4) of the Procedure Regulations, the First-tier Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. At the CMD, the Applicant’s agents sought an order for payment of rent arrears in the amount stated in the application to the Tribunal: £509. In light of the documents produced, and in the absence of any representation by the Respondent to the contrary, the Tribunal was satisfied that that this sum was lawfully due.

Decision

9. The Tribunal accordingly granted an order for payment in the sum of £509.

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.

Adrian Stalker

Legal Member/Chair

7/12/18

Date