

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/18/2794

Re: Property at 0-2 38 Eastside, Kirkintilloch, Glasgow, G66 1QH (“the Property”)

Parties:

Mr William Rodmant and Mrs Lindsay Rodmant, 115 Westergreens, Kirkintilloch, Glasgow, G66 4LG; 115 Westergreens, Kirkintilloch, Glasgow, G66 4AS (“the Applicant”)

Miss Lizanne Burnett, 0-2, 38 Eastside, Kirkintilloch, Glasgow, G66 1QH (“the Respondent”)

Tribunal Members:

Shirley Evans (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 sum of Two Thousand One Hundred and Twenty Eight Pounds and Thirty Four Pence (£2128.34) Sterling against the Respondent be granted.

Background

1. By application dated 12 December 2018 the Applicant applied to the First-tier Tribunal for Scotland (Housing and Property) Chamber for an order for payment in relation to an assured tenancy. The Applicant also lodged an unsigned copy Short Assured Tenancy with Lizanne Burnett showing a commencement date of 1 September 2014, an unsigned and undated AT5 and a rent statement to 18 October 2018.

2. The Tribunal issued a Notice of Acceptance of the Application under Rule 9 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations").
3. On 29 January 2019 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 14 February 2019. The Tribunal advised both parties on 29 January 2019 that a Case Management Discussion under Rule 17 of the Regulations would proceed on 19 February 2019. This paperwork was served on the Respondent by Stuart Miller, Sheriff Officer, Glasgow on 30 January 2019. A certificate of execution of service was received by the Tribunal administration.
4. The Respondent did not make any written representations by 14 February 2019.

Case Management Discussion

5. The Tribunal proceeded with the Case Management Discussion on 19 February 2019. The Applicants were represented by Ms Cooke from CODA Estates. There was no appearance by or on behalf of the Respondent.
6. The Tribunal proceeded in absence of the Respondent. Before proceeding the Tribunal wanted to clarify the correct spelling of the second Applicant's name and the Respondent's name. Ms Cooke advised that the correct spelling of the second Applicant's name was Lindsay Rodmant. She explained that as Universal Credit had now authorised CODA Estates direct payments from Lizanne Burnett she wished to proceed against Lizanne Burnett.
7. In the circumstances the Tribunal considered there was no prejudice to the Respondent. The Tribunal accordingly allowed the second Applicant's name to be amended from Mrs Lyndsay Rodmant to Mrs Lindsay Rodmant and the Respondent's name to be amended from Elizabeth Burnett to Lizanne Burnett all in terms of Rule 13(1)(b) of the First-tier for Scotland Housing and Property Chamber (Rules for Procedure) Amendment Regulations 2017.
8. The Tribunal was referred to the tenancy agreement between the parties. Ms Cooke explained that CODA Estates had taken over the management of the Property and had not been provided with a copy of a signed tenancy agreement from the previous agents. The monthly rent was shown in Clause 9 as £500. There was no other agreement in existence between the parties as far as Ms Cooke was aware and the Respondent continued to live in the Property.
9. Ms Cooke referred to the rent statement to 18 October 2018 which showed that the Respondent was in rent arrears of £2128.34. She explained that the Respondent was now in arrears of £4103.34 but was not seeking to amend

the sum sought. No payments had been made to account but they had now managed to secure direct payments from the Respondent's Universal Credit.

Findings In Fact

10. The parties entered into a tenancy agreement which commenced on 1 September 2014 for the Property. The rent was £500 per month in terms of Clause 9 of the said agreement.
11. The Respondent had fallen into arrears of rent. As of 18 October 2018 she was in arrears of rent of £2128.34.
12. The rent arrears have increased to £4103.34. No payments have been received from the Respondent since 18 October 2018.
13. The Applicants are entitled to the order sought for payment of arrears.

Reasons for Decision

14. The Tribunal proceed on the basis of the written documents which were before it and on the basis of the oral representations made by the Applicants' representative. She invited the Tribunal to grant the Order sought. The Tribunal had nothing before it to challenge or dispute the arrears. The Tribunal was satisfied the Respondent is in arrears of rent of the sum sought in the application.
15. The order for payment was accordingly 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.

Ms Shirley Evans

Legal Member/Chair

19 February 2019.

Date