

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 2016

Chamber Ref: FTS/HPC/CV/18/3116

Re: Property at 2D Graham Place, Dundee, DD4 6EJ (“the Property”)

Parties:

Northern Housing Company Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

Miss Lydia Smith, 2D Graham Place, Dundee, DD4 6EJ (“the Respondent”)

Tribunal Members:

Ewan Miller (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order should be made in favour of the Applicant against the Respondent to the sum of £1258.10

Background

The Respondent was the tenant of the Property owned by the Applicant. Arrears of rent had built up and, as a result, the Applicant raised an action for payment against the Respondent alleging that the sum of £1735.18 was due in terms of the lease. The Applicant applied to the Tribunal on 5 November 2018. The Case Management Discussion had been notified to both parties on 7 January 2019

Case Management Discussion

A Case Management Discussion took place on 24 January 2019 at Hilltown Community Centre, Alexander Street, Dundee. The Applicant were not present but were represented by Mr Matheson of T C Young Solicitors, Edinburgh. The Respondent was present and was represented by Mr Kinghorn of Dundee North Law Centre.

It was accepted by both representatives that there were outstanding arrears to the sum of £1258.10 as at the date of the Case Management Discussion.

Findings in Fact

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property;
- The Respondent had taken a lease of the Property from the Applicant with effect from 2 November 2017;
- The Respondent had been experiencing some difficulties in her personal life that impacted upon her employment status;
- As a result there were arrears of rental as at the date of the hearing of £1258.10.

Reasons for Decision

The Tribunal was satisfied that it was appropriate to grant a payment order at the Case Management Discussion. The parties were in agreement that there were arrears of rent and that the sums due and owing were £1258.10 as at the date of the Case Management Discussion. There was no benefit in delaying matters to a full hearing of the Tribunal. The parties were in discussion around the arrears and it was possible that payment could be made by the Respondent. In any event, the Tribunal was satisfied that the sums were due and it was appropriate to grant a payment order.

Decision

The Tribunal determined to grant a payment order in favour of the Applicant against the Respondent in the sum of £1258.10

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.

Ewan Miller

Legal Member/Chair

24/1/19

Date