

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/18/0182

Re: Property at Flat 0/2 1364 London Road, Glasgow, G31 4PH (“the Property”)

Parties:

Miss Catherine Craig, 41 Collessie Drive, Glasgow, G33 5QD (“the Applicant”)

**Miss Yvonne Doyle, Flat 0/2 1364 London Road, Glasgow, G31 4PH (“the
Respondent”)**

Tribunal Members:

Lesley Ward (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent Miss Yvonne Doyle shall make a payment to the applicant Miss Catherine Craig for the sum of two thousand eight hundred and thirty one pounds forty pence (£2831.40) and accordingly makes an order for payment of the sum of £2831.40.

This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, “the tribunal rules” in respect of rent arrears for the property at 0/2 1364 London Road Glasgow, ‘the property’. The application was made by Miss Catherine Craig on the 22 January 2018. A case management discussion took place on 25 April 2018 and the respondent was legally represented at that hearing. The tribunal adjourned consideration of the applicant to today’s date and allowed the sum sought to be increased from £2318.28 to £2831.40. It was noted at the case management discussion that the rent arrears of £2318.28 were not disputed by the respondent but the respondent’s agents required to seek instructions on the increased sum of £513.12.

LESLEY WARD

The applicant attended the hearing today. The respondent's agents emailed the tribunal on 31 May 2018 advising that they had recently withdrawn from acting from the respondent. The respondent did not attend.

The tribunal today had before it the following copy documents:-

1. Application dated 17 January 2018 and received by the Tribunal on 22 January 2018.
2. Additional information sheet lodged with application giving arrears calculation.
3. Santander bank statements with pages 1 to 10 dated from 8 January 2018 until 25 November 2016.
4. Letters between the applicant and respondent regarding letting the property from 3 April 2012 until 26 July 2017.
5. Form AT 6 and notice to quit.
6. S11 letter.
7. Letter from the respondent's agents to the Tribunal dated 17 April 2018.

The case management discussion on 25 April 2018 was in respect of two applications. The second application regarding eviction proceedings has been withdrawn.

The tribunal noted that the Tribunal administration wrote to the applicant and the respondent's agents on 11 May 2018 notifying them of today's hearing. Given that the respondent's agents did not withdraw until 31 May 2018 the tribunal proceeded today on the basis that the respondent was aware of the hearing and chose not to attend as it is likely the respondent's agents notified her of the hearing date after they received notice on 11 May 2018.

Oral evidence of the applicant

The tribunal heard oral evidence from the applicant regarding the rent arrears. The applicant gave evidence about her arrears schedule lodged with the application and the bank statements she lodged with it. There were a series of 10 payments which she gave evidence had been paid by the respondent and she made reference to the entries on the bank statement which represented the payments made by the respondent. Arrears had accrued since November 2016. As at the lodging of the application her evidence was that arrears of £2318.28 had accrued.

Her evidence was that she then arranged for her tenant's housing benefit to be paid at the 4 weekly sum of £421.72 which was a shortfall of £128.28 from the monthly rent due of £550. This arrangement was made after efforts on the part of the applicant. She explained she had to liaise with the housing benefit authorities as the housing benefit had been paid directly to the respondent. The increased sum of £513.12 referred to at the case management discussion represented 4 months shortfall of £128.12 for January February March and April 2018.

The evidence of the applicant was that no payments have been made by the respondent since the case management discussion on 25 April 2018. The applicant has tried to call the respondent on at least two occasions without success. The applicant seeks an order of £2831.40.

Findings in fact and law

1. The parties entered into a tenancy agreement for the property around 2012. The rent agreed was £550 per month.
2. Arrears of rent have accrued since December 2016.
3. The arrears as at the 25 April 2018 were £2831.40.

Reasons

The tribunal heard clear oral evidence from the applicant reading the arrears of rent for the property. At the case management discussion on 25 April 2018 the respondent's agents agreed that the arrears are £2318.28 due. The further sum of £513.12 was not agreed. The respondent has given clear evidence as to how this sum is calculated. The tribunal is satisfied that the respondent was aware of the hearing today. The decision of the tribunal is unanimous.

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.

LESLEY WARD



Lesley A Ward Legal Member/Chair

14 June 2018

