



**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/20/0898

Re: Property at 103 3R Strathmartine Road, Dundee, DD3 7SD (“the Property”)

Parties:

Ms Elizabeth Mahady, 4 Osprey Place, Kingennie, Dundee, DD5 3PS (“the Applicant”)

Ms Suzanne Carter, 103 3R Strathmartine Road, Dundee, DD3 7SD (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £1184.96.

Background

1. By application dated 12 March 2020 the Applicant’s representatives, Rockford Properties, 50 Castle Street, Dundee applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears due from the Respondent’s tenancy of the property. The Applicant’s representative submitted a copy of the tenancy agreement, a rent statement and copy emails in support of the application.
2. By Notice of Acceptance dated 18 August 2020 a legal member of the Tribunal accepted the application and a Case Management Discussion was assigned.
3. Intimation of the Case Management Discussion was given to the Applicant’s representatives by post on 16 September 2020 and was served on the Respondent by Sheriff Officers on 18 September 2020.

The Case Management Discussion

4. A Case Management Discussion was held by teleconference on 15 October 2020. Ms Hazel Young from the Applicant's representatives attended on behalf of the Applicant. The Respondent did not attend and was not represented. The Tribunal having been satisfied that proper intimation of the Case Management Discussion had been given to the Respondent determined in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 to proceed in her absence.
5. Ms Young confirmed to the Tribunal that the parties had entered into a Short Assured Tenancy Agreement that had commenced on 22 May 2017 at a monthly rent of £550.00. Ms Young confirmed that at the time of making the application to the Tribunal the outstanding rent had amounted to £1396.40 but the rent currently due had reduced to £1184.96. Ms Young explained that the Respondent did not pay any rent herself. She continued to reside in the property. She was in receipt of Housing Benefit that was being paid regularly. The Housing Benefit payment amounted to £507.68 per month and the Respondent was supposed to pay the shortfall herself but refused to do so. According to Ms Young the Respondent had said the property was not worth £550.00 per month.
6. Ms Young asked the Tribunal to grant an order for payment by the Respondent in the sum of £1184.96.

Findings in Fact

7. The parties entered into a Short-Assured Tenancy that commenced on 22 May 2017 and endured until 21 June 2018 and then from month to month thereafter.
8. The rent is £550.00 per calendar month.
9. The Respondent is in receipt of Housing Benefit amounting to £507.68 per month.
10. The Respondent has accrued rent arrears as at the date of this decision amounting to £1184.96.

Reasons for Decision

11. The Tribunal was satisfied from the documents provided together with the written and oral submissions that the parties had entered into a Short Assured Tenancy in respect of the property at a rent of £550.00 per calendar month. The Tribunal was further satisfied that the Respondent was in receipt of Housing Benefit amounting to £507.68 per month leaving a shortfall of £42.32 in the rent due each month that should be paid by the Respondent. The Tribunal was satisfied that as no payments had been made by the Respondent herself, she

had accrued rent arrears amounting to £1184.96 being the amount now claimed by the Applicant.

12. The Tribunal having considered the documents provided together with the written and oral submissions was satisfied that the Applicant was entitled to an order for payment in the sum of £1184.96.

Decision

13. The Tribunal Finds the Applicant entitled to an order for payment by the Respondent in the sum of £1184.96

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.

Graham
Harding

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Graham Harding
Legal Member/Chair

15 October 2020
Date