



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/20/1459

Re: Property at 3 Robert Smillie Crescent, Larkhall, ML9 1LS (“the Property”)

Parties:

Miss Suzanne Laidlaw, 62 Wilton Road, Carlisle, ML8 4LB (“the Applicant”)

Miss Elizabeth Christie, 2 Clyde View Cottages, Cornsillock, Larkhall, Lanarkshire, ML9 2AU (“the Respondent”)

Tribunal Members:

Helen Forbes (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 should be granted in favour of the Applicant in the sum of £1575.

Background

1. This is an application dated 26th June 2020, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £1575. The Applicant included with the application a copy of the tenancy agreement between the parties, which tenancy commenced on 28th July 2018 and ended on 21st May 2020, email correspondence with the Citizens Advice Bureau, bank statements and rent statement.
2. Intimation of the action and notification of a Case Management Discussion upon the Respondent was made by Sheriff Officers on 9th September 2020.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 6th October 2020. The Applicant was in attendance. The Respondent was

not in attendance. The Tribunal delayed the start of the CMD to allow further time for the Respondent to attend.

4. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 24(1) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.
5. The Applicant said the Respondent had failed to pay rent in the sum of £350 per month for the period from 7th July to 7th November 2019, and 7th to 21st May 2020. The outstanding rent was £1925 at the time the tenancy ended on 21st May 2020. There had been discussions with the Respondent and her representative at the Citizens Advice Bureau concerning a lump sum payment due to be made to the Respondent in respect of a dispute over benefits, out of which the Respondent promised to pay the rent arrears. No payment was forthcoming. There were discussions between the parties regarding payment proposals, but no payments were made towards the arrears by the Respondent. The Respondent agreed that the Applicant could retain the tenancy deposit of £350 towards the arrears, leaving a sum of £1575 outstanding. The Applicant was seeking an order for payment in the sum of £1575.

Findings in Fact

6.
 - (i) The parties entered into a private residential tenancy agreement in respect of the Property commencing on 28th July 2018 and ending on 21st May 2020.
 - (ii) The monthly rent was £350.
 - (iii) The Respondent has failed to make payment of rent lawfully due in the sum of £1575.
 - (iv) The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement.

Reasons for Decision

7. The Respondent has failed to make payment of rent lawfully due in terms of the tenancy agreement. The Applicant is entitled to recover the rent lawfully due.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £1575.

Right of Appeal

9. 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.

H Forbes

Legal Member/Chair

6th October 2020
Date