



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1731

Re: Property at Broomfield Farm Cottage, West End, Star, Fife, KY7 6JZ (“the Property”)

Parties:

Balbirnie Home Farms, Pitillock Farm, Freuchie, Cupar, KY15 7JQ (“the Applicant”)

Miss Chloe Swan, Mr Louis Delmaestro, Broomfield Farm Cottage, West End, Star, Fife, KY7 6JZ; Broomfield Farm Cottage, West End, Star, Fife, KY7 6JZ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £1740.

1. An application was received by the Housing and Property Chamber and was signed 16th August 2020. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.

The Case Management Discussion

2. A CMD was held on 19th October 2020 at 2pm at by teleconferencing. The Applicant was represented by Mr Kim Godwin, Owner, Martin &Co Cupar which is a property management company. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing. Mr Godwin informed the Tribunal that his company had contacted the Respondents on 80 separate occasions excluding voicemails and system generated text messages. Mr Godwin informed the Tribunal that the Respondents had told him that they had the money to pay but would not do so as they considered that the Government should pay the rent during the Covid pandemic. He did not know about any outstanding Housing Benefit issues. He was informed by the First Named Respondent that he was to apply for Working Tax Credit though Mr Godwin received the rent payment that month. The last contact that he had with the Respondents was on 15th September when he had attended the Property as it was believed that the Property was abandoned. The First Named Respondent attended that meeting but the hearing was not discussed. Mr Godwin told the Tribunal that the last payment received was on 30th August 2020. As there have been no further payments the outstanding amount is currently £2320. As this higher amount had not been intimated upon the Respondents the Tribunal awarded the amount sought in the application of £1740.

Findings and reason for decision

3. A Private Rented Tenancy Agreement commenced 29th November 2019.
4. The Respondent persistently failed to pay her rent charge of £580 per month. The rent payments are due to be paid on the 29th day of each month.
5. There are no outstanding Housing Benefit issues.
6. The arrears sought is £1740. The current outstanding arrears totals £2320.

Decision

7. The Tribunal found that the Applicant is entitled to be granted an order for payment amounting to £1740.

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.



Legal Member/Chair

19th October 2020

Date