



**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/20/1953

Re: Property at 3 Gallowhill Terrace, Fraserburgh, AB43 9JX (“the Property”)

Parties:

Mr Anthony Grant, 4 Market Hill, Ellon, AB41 8BP (“the Applicant”)

Ms Lisa Ross, UNKNOWN, UNKNOWN, AB43 9NZ (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment in relation to unpaid rent.
2. The application contained:-
 - a copy of the tenancy agreement
 - bank statements
3. At today’s case management discussion, the Applicant appeared. There was no appearance by the Respondent. I was satisfied service on the Respondent had taken place by service by advertisement and I was therefore prepared to proceed with the case management discussion in her absence.

Discussion

4. The Applicant advised that the rent arrears were still outstanding. He referred me to the tenancy agreement between the parties. He referred also to the bank statements supporting his claim.
5. He advised that the Respondent had received housing benefit, and it was paid direct to him as the landlord until the end of March 2020. He advised at that point the Respondent had requested payment of universal credit be made and further that it be paid direct to the Respondent. The Applicant advised that he received no further payments from that time. The Respondent left the tenancy in July 2020. The Applicant advised that he should have received four months' rent during that period. He advised that he was owed £3000.
6. He advised that Respondent was aware of the rent arrears. He had been texting her about them. Previously if there was any issue with the tenancy, they had contacted each other by text, they were both in contact with each other. However, when the rent arrears started to accrue the Respondent stopped responding to the Applicant's texts. The Applicant advised that he lived about 20 miles away and as it was lockdown, he was unable to speak to her direct. He advised that he had received no further payments from the Respondent.
7. The Applicant sought an order for £3000.

Findings in Fact

8. The Tribunal found the following facts to be established:
 - a) A tenancy agreement was entered into between the Applicant and the Respondent for the property. It commenced on 19 October 2017. It ended sometime in July 2020.
 - b) Clause 4 of the tenancy agreement provided that monthly rent was £750.
 - c) The bank statement showed amounts to rent being paid until March 2020.
 - d) That rent arrears up to 18 July 2020 totalled £3000.

Reasons for Decision

9. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from assured tenancies. As this tenancy is an assured tenancy, I am content that I have jurisdiction to deal with this case.

10. The tenancy agreement created obligations between the parties including, the obligation to pay rent. The Respondent had failed to pay her rent.
11. Based on the evidence before me and having regard to the papers submitted including the application, I consider that I should make a payment order of £3,000.

Decision

12. I grant an order in favour of the Applicant for the Sum of THREE THOUSAND POUNDS (£3,000.00) STERLING.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30-day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Melanie Barbour

15 January 2021

Legal Member/Chair

Date