



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/20/2160

Re: Property at 4 Preston New Cottages, Preston, Duns, TD11 3TQ (“the Property”)

Parties:

Robert Forrest Ltd, Preston Farm, Preston, Duns, TD11 3TQ (“the Applicant”)

Mr Leui Russell, Mrs Veronica Russell, 34 Orchard Park, Kelso, TD5 7EJ (“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 £1606.48 (ONE THOUSAND, SIX HUNDRED AND SIX POUNDS AND FORTY EIGHT PENCE).

Background

1. An application was received dated 13th October 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 and repair costs.

The Case Management Discussion ("CMD")

2. A CMD was held on 27th November 2020 at 11.30am by teleconferencing due to Covid 19 restrictions. The Applicant was represented by Ms Lois Renton, FBR Seed Ltd. 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. Ms Renton told the Tribunal that the Respondents abandoned the Property in January 2020. The Respondents were found and signed to terminate the Property on 2nd March 2020. The Tenancy ended on 2nd April 2020.
3. Ms Renton stated that there were no outstanding Housing Benefit or Universal Credit Housing Element issues as she believed that the First Named Respondent was working.
4. Ms Renton informed the Tribunal that the amount sought was for missed rent payments from 24th November 2019, 24th December 2019, 24th January 2020 and 6 remaining days in February 2020. The Applicant was not pursuing the rent for March 2020. The deposit was received and was not contested. This amounted to £660. This reduced the outstanding arrears to £887.64. A payment plan was offered at £100 per month with the final payment being £87.64. The Respondent refused this. Prior to November 2019 all rent payments had been made.
5. The Respondents were written to at their new address informing them that should any repairs be due that this amount would be added on to the amount outstanding as the deposit had been used to pay towards the rent arrears. The Applicant had lodged paid invoices amounting to £718.84. There was no evidence from the Respondents to dispute this amount.
6. The Tribunal was satisfied that an amount of £1606.48 was due by the Respondents to the Applicant.

Findings and reason for decision

7. A Private Rented Tenancy Agreement commenced 30th August 2019.
8. The Respondent persistently failed to pay their rent charge of £495 per month. The rent payments were due to be paid on 30th day of each month.
9. There are no outstanding Housing Benefit issues.
10. The arrears sought totalled £1606.48. Amounting to rent arrears and the cost of repairs.

Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1606.48.

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.


Gabrielle Miller

27th November 2020

Legal Member/Chair

Date