



**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/21/0175**

**Re: Property at 2D Hallcraig Street, Airdrie, ML6 6AH (“the Property”)**

**Parties:**

**Miss Kelleigh McRae, 18 Swift Crescent, Glasgow, G13 4QL (“the Applicant”)**

**Mr Barry Collins, 2D Hallcraig Street, Airdrie, ML6 6AH (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment is granted to the amount of £4559.97.**

**Background**

1. This case should be read in conjunction with FTS/HPC/EV/21/0174.
2. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £4559. in terms of s16 of the Housing (Scotland) Act 2014.
3. The Tribunal had before it the following documents:
  - a) Application dated 22<sup>nd</sup> January 2021.
  - b) Short Assured Tenancy Agreement signed 13<sup>th</sup> October 2017.
  - c) Form AT5 signed by the parties on 13<sup>th</sup> October 2017.
  - d) Title deeds with reference REF LAN219344.
  - e) Rent account from start of tenancy to 16<sup>th</sup> January 2021.
  - f) Section 11 Notice noting date of raising proceedings 22<sup>nd</sup> January 2021.

4. On 15<sup>th</sup> April 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17<sup>th</sup> May 2021 at 10am by teleconferencing. The letter also requested all written representations be submitted by 6<sup>th</sup> May 2021.

#### Case Management Discussion

5. The Tribunal held a Case Management Discussion (“CMD”) on 17<sup>th</sup> May 2021 by teleconferencing. The Applicant was not present but was represented by Ms Vicki McGuire, Jewel Homes. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Tribunal considered the Application. The Respondent was written to on 15<sup>th</sup> April 2021 asking for any representations to be sent to the Housing and Property Chamber no later than 6<sup>th</sup> May 2021. No representations were submitted.
6. Ms McGuire informed the Tribunal that she was not aware of any issues of reasonableness. The Respondent is on the maximum level of Universal Credit for a one bedroom property which is £360 per month. This is £115 per month less than the rent. He has not paid the shortfall. Prior to this direct payments were stopped from June 2020. This was eventually reinstated in November 2020. The outstanding arrears currently are £5019.97. This is an increase on the amount sought in the application.

#### Findings in Fact

7. The parties entered into a Short Assured Tenancy on 16<sup>th</sup> October 2017 for a 6 month period until 17<sup>th</sup> April 2018. An AT5 was signed by parties on the same date as the lease on 13<sup>th</sup> October 2017. The rent payments of £475 are due on the 16<sup>th</sup> day of each month.
8. The Housing and Property Chamber received an Application on 22<sup>nd</sup> January 2021.
9. The Respondent has persistently not made rent payments. There have been more than 3 missed payments. The amount outstanding has risen to £5019.97, beyond that which was sought in the application. The rent arrears sought in the application amounts to £4559.97.
10. Universal Credit Housing Element is in payment at the maximum level for a one bedroom house of £360 which is £115 per month less than the rent.
11. There are no outstanding Universal Credit Housing Element issues.

#### Reasons for Decision

12. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties. The Applicant has lodged a rent statement for

the period from the start of the tenancy to 16<sup>th</sup> January 2021 in which payments have been missed amounting to £4559.97 in rent arrears. The Tribunal was satisfied that there were no other issues of reasonableness before them. The Tribunal decided that the Respondent had persistently not paid the rent and were in arrears. As a consequence the Applicant was entitled to be granted the Order for payment of £4559.97 against the Respondent.

### Decision

13. The Applicant is entitled to an order of payment of £4559.97 by the Respondent. The Order was granted against the Respondent.

### **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**

**17<sup>th</sup> May 2021**

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**Legal Member/Chair**

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**Date**