



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/21/0230

Re: Property at 24/3 Clearburn Gardens, Edinburgh, EH16 5ET (“the Property”)

Parties:

Ms Annie Cronin, 8 Ashley Road, Hampton, TW12 2JA (“the Applicant”)

Ms Samantha McCaw, 24/3 Clearburn Gardens, Edinburgh, EH16 5ET (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Frances Wood (Ordinary 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 in the amount of £1613.31 should be made.

On 1st February 2021 the Applicant lodged an Application with the Tribunal under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order for payment of rent arrears.

Lodged with the application were: -

1. Copy Tenancy Agreement dated 30th March 2015 with the initial rental period being 30th March 2015 to 4th October 2015 then monthly thereafter;
2. Copy Rent Statement.

On 18th March 2021 the Applicant's agent sent an email to the Tribunal with an application to amend the sum sued for to £1613.31, being the amount of arrears as at 31st March 2021.

On 29th March 2021 the Tribunal received an email from Hazel Bon of the Civil Legal Assistance Office, Edinburgh, confirming that she was instructed by the Respondent.

On 13th April 2021 the Tribunal received an email from Miss Bon advising that she would not be representing the Respondent at the Case Management Discussion as she did not have instructions to do so.

Case Management Discussion

The Case Management Discussion ("CMD") took place by teleconference. The Applicant's representative, Miss Donnelly of TC Young, Solicitors, dialled in. There was no attendance by the Respondent or any representative on his behalf.

Miss Donnelly said that the current arrears were £1613.31 as per the application to amend and the updated rent statement which had been submitted. She moved for a payment order in that amount.

Findings in Fact

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The monthly rent was £625;
3. On 1st April 2020 the monthly rent was increased to £668.55;
4. The Respondent receives partial housing benefit;
5. The Respondent requires to pay a top up to meet the full rental payment;
6. The Respondent is in rent arrears in the amount of £1613.31.

Reasons for Decision

The Respondent is in rent arrears in the amount of £1613.31.

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.

Alison Kelly

15 April 2021

Legal Member/Chair

Date