



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/21/0382

Re: Property at 13 Robert Wynd, Newmains, North Lanarkshire, ML2 9ER (“the Property”)

Parties:

Mr Gerard Carrigan, Mrs Julie Carrigan, 73 Thorndean Avenue, Bellshill, North Lanarkshire, ML4 2LL (“the Applicant”)

Miss Danielle Campbell, 13A Stonecraig Road, Wishaw, North Lanarkshire, ML2 8BZ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to an order for payment from the Respondent for £5450 (FIVE THOUSAND FOUR HUNDRED AND FIFTY POUNDS)

Background

1. An application was received by the Housing and Property Chamber dated 18th February 2021. 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.
2. On 10th August 2021 all parties were written to with the date for the Case Management Discussion (“CMD”) of 10th September 2021 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 31st August 2021.

3. On 11th August 2021 Sheriff Officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Citation dated 11th August 2021.

The Case Management Discussion

4. A CMD was held 10th September 2021 at 2pm by teleconferencing. The Applicants represented themselves. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
5. The Applicants explained that £700 was also due beyond the amount stated in the lodged rent statements. It was not included in either rent statement because it accrued from when the previous letting agents managed the Property. There was email submissions from the Applicants to evidence this point. This had been lodged in sufficient time prior to the CMD that the Tribunal was able to consider this part of the arrears claimed.
6. The Applicants advised that there has been no contact from the Respondent. All communication was done through the letting agent. The letting agent made numerous attempts to contact the Respondent and ask for a payment plan and guided towards money advice centres. The Respondent did not enter into communications.
7. The Applicants advised that there were no outstanding Universal Credit payments due. The Applicants understood that the Respondent was being paid the money for the rent directly by the DWP but failed to forward it on to the Applicants. The Applicants contacted the DWP but no further information would be given as the Respondent had not given authority for the DWP to speak to the Applicants.
8. The Tribunal was satisfied that the outstanding amount for £5450 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 8th October 2019. The keys were returned for the Property on 31st May 2021.
10. The Respondent persistently failed to pay her rent charge of £475 per month. The rent payments were due to be paid on 8th day of each month.
11. There are no outstanding Universal Credit or Housing Benefit issues.
12. The arrears sought total £5450.

Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £5450.

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: Gabrielle Miller

Date: 10th September 2021

