



**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/21/0877

**Re: Property at 128A Albion Street, Coatbridge, North Lanarkshire, ML5 3SB
("the Property")**

Parties:

Mr Lendrick Gillies, 132 St John's Road, Edinburgh, EH12 8AX ("the Applicant")

**Mrs Nicola Taylor, 128A Albion Street, Coatbridge, North Lanarkshire, ML5 3SB
("the Respondent")**

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Respondent is in breach of the tenancy agreement with the Applicant and has failed to pay rent. The Tribunal accordingly has decided to make an order for payment in the sum of FIVE HUNDRED AND TWENTY POUNDS (£520) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. By application dated 12 April 2021, the Applicant's agent applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") for an order for payment of rent arrears of £960 under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations").
2. The application was accompanied by a copy of a Private Residential Tenancy between the parties and a rent statement.

3. On 21 April 2021, the Tribunal accepted the application under Rule 9 of the Regulations 2017.
4. On 10 May 2021 the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 7 June 2021. The Respondent required to lodge written submissions by 31 May 2021. This paperwork was served on the Respondent by Ian Wylie, Sheriff Officer, Glasgow on 11 May 2021 and the Execution of Service was received by the Tribunal administration.
5. On 27 May 2021 the Applicant’s agent lodged an up to date rent statement.

Case Management Discussion

6. The Tribunal proceeded with the Case Management Discussion on 7 June 2021 by way of teleconference. The Applicant was represented by Mr Clark from Aquila Management Services Limited. There was no appearance by or on behalf of the Respondent despite the teleconference starting 10 minutes late to allow the Respondent plenty of time to join. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence.
7. The Tribunal had before it the Private Rented Tenancy Agreement between the parties dated 7 February 2020 and an up to date rent statement showing arrears of £520 to 27 May 2021.
8. Mr Clark explained that the Applicant had applied for arrears direct payments to be made from Universal Credit and accordingly the Applicant had received two rent payments of £440 on 24 April and 24 May 2021 since the application was made. The Tribunal noted in terms of Clause 8 of the Private Residential Tenancy Agreement between parties the Respondent had agreed to pay monthly rent of £440. He explained that the current arrears were actually £960, but as they were expecting another arrears direct payment towards the end of the month of £440 that would again reduce the arrears to £520 which was the static arrears figure. Arrears had accordingly decreased from £960 since the application was made. He accordingly moved the Tribunal to issue an order for £520.

Findings in Fact

9. The Applicant and the Respondent agreed by way of Clause 8 of a Private Residential Tenancy Agreement dated 7 February 2020 in relation to the Property that the Respondent would pay the Applicant a monthly rent of £440.
10. The Respondent has fallen into arrears of rent and is accordingly in breach of Clause 8 of the tenancy agreement.

11. The Applicant is now receiving arrears direct payments of the full rent of £440 from Universal Credit and has received payments of £440 on 24 April and 24 May 2021. Arrears have reduced to £520 to 27 May 2021.
12. The arrears as at 7 June 2021 are £960. That figure will be reduced to £520 in once the payment of £440 towards the end of June.

Reasons for Decision

13. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Mr Clark. The Tribunal noted the content of the rent statement lodged which showed the arrears had reduced to £520 due to direct payments of £440 from Universal Credit. The Applicant produced evidence of non- payment of rent with reference to the tenancy agreement and the rent statements lodged. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of these documents, together with the Applicant's agent's submissions that the order for payment in favour of the Applicant be granted.

Decision

14. The Tribunal granted an order for payment of £520.

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.

Shirley Evans

7 June 2021

Legal Member

Date