



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/21/0961

Re: Property at Flat 2, 22 High Patrick Street, Hamilton, ML3 7JB (“the Property”)

Parties:

Mrs Harbhajan Kaur, 26 Blenheim Ave, Glasgow, G33 6DJ (“the Applicant”)

Ms Mandy Hanlon, Flat 2, 22 High Patrick Street, Hamilton, ML3 7JB (“the Respondent”)

Tribunal Members:

Jan Todd (Legal Member) and Janine Green (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 favour of the Applicant should be granted in the sum of £6,500.

- **Background**
- The Applicants submitted an application dated 19th April 2021 for an order for payment of rent arrears from the Respondent arising out of her tenancy of the Property from the Landlord.
- In support of their application they lodged the following documents:-
 - A copy of the lease dated 20th February 2019
 - Copy rent statement showing arrears of rent due at 9th April 2021 were £6,500
 - Letter from the owner consenting to the landlord letting the Property and raising this action and confirming the landlord is Mrs Harbhajan Kaur but named in the lease as Mrs Harbhajan Singh.
 - Letters to the tenant from the letting agent offering information regarding support for tenants and regarding the rent arrears.

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- The Applicant lodged an updated rent statement on 28th June 2021 showing that on 9th June 2021 the arrears of rent had increased to £7,600.
- A Case Management Discussion (CMD) was held by teleconference in view of the current Covid 19 pandemic, at 11.30am on 29th June 2021 along with the conjoined action raised by the Applicant for eviction of the Respondent.
- The Applicant's agent Ms Lesley Ann Barclay of Happy Lets attended the CMD on behalf of the Applicant. The Applicant was not present.
- . The Respondent did not attend, nor did anyone appear on her behalf. There had been no reason intimated in advance for her non-appearance nor any request made for a postponement of the CMD. The Tribunal noted that valid intimation of the CMD had been made to the Respondent having seen a certificate of execution of service by Sheriff Officers on the Respondent dated 26th May 2021. The Tribunal delayed the start of the CMD by 10minutes to see if the Respondent was late in joining but she did not join. Accordingly the Tribunal proceeded to hold the CMD in the absence of the Respondent.

The Case Management Discussion

- The Convener made introductions and explained the purpose of the CMD which is to explore the issues and to determine whether a full hearing is required or not. The Convener confirmed that the tribunal can make any decision at a CMD that it can make after a full hearing.
- There were no written representations received from the Respondent for the Tribunal to consider.
- Ms Barclay confirmed that there have been no further payments of rent since she raised the application and confirmed the Respondent is still resident in the Property. She advised that Happy Lets have sent out various letters to the Respondent since arrears started accruing last year and the Respondent has given various reasons for not being able to pay including being off sick, and claiming she was waiting on benefits last year but on checking Ms Barclay advised no benefits were claimed. Ms Barclay advised that on speaking to the tenant at the Property in March this year the Respondent advised her that she was back on sick leave and now claiming housing benefit but when Ms Barclay advised that the housing benefit part of that should be sent to the landlord she advised the Respondent said "she needed all of it to live on". Ms Barclay then confirmed that the tenant had also indicated earlier that she would just wait to be evicted and then she would get a house from the Council. Ms Barclay advised she tried to speak again to the Respondent in May but the Respondent would not speak to her or let her in to the Property.
- Ms Barclay confirmed that the rent arrears are currently £7,600 as per the rent statement she has recently lodged and that the landlord had offered to accept

a lower monthly rent if the tenant was struggling and to get paid the arrears later. Ms Barclay referred to copies of the letters she has lodged showing the agents contact with the Respondent and offers to reach a payment arrangement. Ms Barclay advised the tenant offered to pay £300 per month from October 2020 as a monthly payment until she could pay the full amount of £550 plus the arrears but advised the Respondent has only made one payment of £300 on 19th October and nothing since.

- Ms Barclay advised that she is seeking an order for only the original sum sought of £6,500 and is aware that to seek any more she would require to ask for an amendment of the sum and intimate that on the Respondent.

Findings in Fact

- The parties entered into a lease of the Property which commenced on 8th March 2019
- The Rent due in terms of the lease is £550 per calendar month payable in advance
- The tenant is still living in the Property
- The Applicant produced a statement of rent showing that since 9th April 2020 rent has been continually in arrears. .
- As at the date of the Application there was £6,500 of rent outstanding.
- Today the rent outstanding is £7,600
- There has been no response in writing or in person from the Respondent.

Reasons for Decision

- The parties entered into a lease where the Respondent has leased the property from the Applicant from 8th March 2019 and has agreed to pay £550 every month.
- The Respondent has failed to make full payment of rent since March 2020 only paying the sum of £400 on 9th May and the sum of £300 on 19th October 2020 and nothing since.
- The Respondent is still living in the Property although a notice to leave has been served and she is believed to be in receipt of housing benefit but has not paid anything to the landlord in respect of the rent due.
- The Respondent has made no appearance at the CMD held to discuss this application and has made no written representations for the Tribunal to consider.
- The Tribunal accepts the written evidence and verbal statements made by the Applicant's agent, who the Tribunal found clear and credible in her evidence that the rent outstanding and due at the date of the application, which is what is being claimed, is £6500.
- There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

Decision

An Order for payment of the sum of £6,500 is granted.

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.

J. T

Legal Member/Chair

29th June 2021
Date