



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/21/1912

Re: Property at 1B Newbigging, Musselburgh, EH21 7AJ (“the Property”)

Parties:

Mrs Samantha Reynolds, 4 Francis Street, Eccles, Manchester, M30 9PR (“the Applicant”)

Miss Samantha Cowie, 1B Newbigging, Musselburgh, EH21 7AJ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ELEVEN THOUSAND EIGHT HUNDRED AND THIRTY-TWO POUNDS AND NINETY-NINE PENCE (£11,832.99) STERLING, with Interest thereon at the rate of two per cent (2%) per annum running from the date of the decision of the First-tier Tribunal to grant the order until payment.

- Background
1. An application dated 10 August 2021 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under an assured tenancy agreement.

- The Case Management Discussion

1. A Case Management Discussion (“CMD”) took place on 6 October 2021 by tele-conference. The Applicant was represented by Nicola Caldwell of TC Young, solicitors. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 7 September 2021. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
2. The Applicant’s representative moved for the Order to be granted in the reduced sum of £11,832.99. This was a reduction from the balance due at the point the application had been made. The reduction was due to 3 payments of Universal Credit being paid (£700 on 20 August, £2,104.30 on 6 September and £700 on 23 September) and one payment of £25 paid by the Respondent on 23 August 2021. This was the only payment made by the Respondent since the commencement of the tenancy. The monthly rent was £700. The tenancy commenced on 10 February 2015. The arrears had commenced in February 2015 and there had been a continuous arrear to date. No payment proposals had been made by the Respondent to address the arrears.

- Findings in Fact

2. The Tribunal made the following findings in fact:

- (a) The parties entered into an Assured Tenancy Agreement (“the Agreement”) which commenced 10 February 2015;
- (b) In terms of the said Agreement, the Respondent was obliged to pay a monthly rent of £700 to the Applicant;
- (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £11,832.99.

- Reasons for Decision

3. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £700 per month under the terms of the Agreement and had failed to do so. She had accrued arrears amounting to £11,832.99 and which fell lawfully due to be repaid to the Applicant.
4. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

5. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ELEVEN THOUSAND EIGHT HUNDRED AND THIRTY-TWO POUNDS AND NINETY-NINE PENCE (£11,832.99) STERLING, with Interest thereon at the rate of two per cent (2%) per annum running from the date of the decision of the First-tier Tribunal to grant the order until payment.

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.

F. Watson

Legal Member/Chair

Date: 6 October 2021