



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/0629

Re: Property at 1/2 95 Causeyside Street, Paisley, PA1 1TU (“the Property”)

Parties:

Concept Live LTD, 10 Almond Drive, East Kilbride, G74 2HX (“the Applicant”)

Mr Craig McGoldrick, 1/2 95 Causeyside Street, Paisley, PA1 1TU (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £1966.35

Background

1. By application dated 3 March 2022 the Applicant’s representative Be-Rented Ltd, Eaglesham applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representative submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 17 March 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 8 April 2022.

The Case Management Discussion

4. A CMD was held by teleconference on 24 May 2022. The Applicant was represented by Mr Jonathan Lee of the Applicant's representatives. The Respondent attended in person.
5. The parties agreed that the Respondent entered into a Private Residential Tenancy that commenced on 1 February 2021 at a monthly rent of £410.00.
6. The Respondent agreed that as at the date of the application namely 3 March 2022 he was due rent amounting to £1966.35. He explained that he was currently unemployed and in receipt of Universal Credit. He had previously managed to obtain employment and the housing element of his benefits had been stopped. It had not yet been reinstated. He had previously been awarded the housing element but it had not been backdated. He went on to explain that he had got himself into a financial hole and his head had been in the clouds. He had personal issues and had been affected in his work by Covid.
7. For the Applicant Mr Lee confirmed that the Respondent had co-operated in trying to obtain housing benefit but had experienced difficulty with his Universal Credit. He went on to say that no rent was currently being paid.
8. The Respondent accepted that the rent was due and said that he would hope to reach an agreement with Mr Lee to have payments from his Universal Credit made direct to the Landlord's representatives together with an additional amount to reduce the arrears.

Findings in Fact

9. The parties entered into a Private Residential Tenancy Agreement that commenced on 1 February 2021 at a rent of £410.00 per calendar month.
10. As at 3 March 2022 the Respondent was owe rent to the Applicant in the sum of £1966.35. That sum remains outstanding.

Reasons for Decision

11. There was no dispute that the Respondent owed the sum claimed by the Applicant. On his own admission the Respondent accepted that the sum claimed was due. The fact that the Respondent's claim for housing allowance to be back dated had been refused was unfortunate but did not affect the Applicant's right to be paid. It may be that if the Respondent seeks legal advice, he may still be able to make a claim.
12. In the circumstances the Tribunal was satisfied it had sufficient information before it to make a decision without the need for a hearing.

13. The Tribunal was satisfied from the written and oral submissions that the Respondent owed the Applicant the sum of £1966.35 as at the date of the application and determined to make an order for payment.

Decision

14. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £1966.35.

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.



Graham Harding

Legal Member/Chair

25 May 2022

Date