

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/22/1839

Property Address: 39 Ruberslaw Road, Hawick TD9 8EY (“the property”)

The Parties: Mr Colin Richardson, 19 Charles Street, Hawick TD9 8BU (“the Applicant”)

Mr Kevin Anderson, 39 Ruberslaw Road, Hawick TD9 8EY (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal)
Helen Barclay (Ordinary)

Decision

To grant an order for the eviction of the respondent from the property at 39 Ruberslaw Road, Hawick TD9 8EY.

Background

1. The applicant through his agents Messrs Harper Macleod LLP applied to The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) for an order of payment of the sum of £6,600. Accompanying the application was a paper apart together also with copy Form AT5 and Rent Statement to 10 June 2022.
2. The application was acknowledged by the tribunal on 15 June 2022. Certain further documentation was sought on 5 July 2022 from the tribunal. The application was accepted for determination on 17 August 2022.
3. The application was intimated to the respondent by sheriff officer. No written representations were received.

4. Sheriff officers' service was effected upon the respondent.
5. No written representations were received by the respondent.

Case Management Discussion

6. At the case management discussion Ms Grosvenor from Harper Macleod appeared on behalf of the applicant. Mr Anderson the respondent attended himself.
7. In relation to the arrears the respondent indicated that he paid the landlord by cash. The last payment of cash had been in November 2021. The landlord would come round to the property to collect the cash.
8. There has been no further payment of rent since then. The respondent indicated that the property had been damaged (by his son) and as a result of that he was withholding rent. He accepted that he was getting paid from universal credit for the rent. The respondent did not accept that by the end of 2021 he was in arrears of rent to the extent of £4,100.
9. The sum that was now being sought by the applicant was £8,600. Whereas the respondent accepted there had been no payment since November 2021 that did not amount to £8,600.
10. Accordingly the tribunal felt unable to determine the issue and assigned a hearing.

Outcome

Adjourned to a hearing.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

Legal Member: Mark Thorley

Date: 26 October 2022