



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/22/2875

Re: Property at 18/F Mansfield Road, Hawick, Roxburghshire, TD9 8AB (“the Property”)

Parties:

Tyne & Tweed Estates Ltd, 46 Grosvenor Drive, Whitley Bay, Tyne and Wear, NE26 2JS (“the Applicant”)

Ms Alannah Grant, 14 Leslie Place, Selkirk, TD7 5BL (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondent for £1345.00 (ONE THOUSAND THREE HUNDRED AND FORTY FIVE POUNDS)

Background

1. An application was received by the Housing and Property Chamber dated 12th August 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and cleaning costs due to the Applicant.
2. On 12th December 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 9th February 2023 at 2pm by

teleconferencing. The letter also requested all written representations be submitted by 2nd January 2023.

3. On 14th December 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent. This was evidenced by Certificate of Intimation dated 14th December 2022.

The Case Management Discussion

4. A CMD was held 9th February 2023 at 2pm at 2pm by teleconferencing. The Applicant was represented by Mr David McDermott, Director, Tyne & Tweed Estates Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
5. Mr McDermott told the Tribunal that he believed that the Respondent had her own business. He does not know if this contributed to the reason for the arrears as there was very little contact from the Respondent when she lived in the Property regarding payment of the arrears. She left on or around the first week in July 2022. On leaving the Respondent said that she would pay up the outstanding amount but no payments have been forthcoming. Mr McDermott said that he would have been open to a payment plan offer but this was not possible due to the lack of communication by the Respondent.
6. The Tribunal was satisfied that the outstanding amount for £1345 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

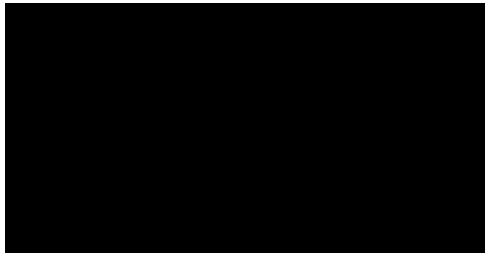
7. A Private Rented Tenancy Agreement commenced 6th November 2020.
8. The Respondent persistently failed to pay her rent charge of £500 per month. The rent payments are due to be paid on 6th day of each month.
9. There are now known outstanding Universal Credit issues.
10. The arrears sought combined with the post tenancy cleaning costs total £1345.
11. The £500 deposit has been returned to the Applicant and addressed some of the outstanding amount due which reduced the outstanding amount due to £1345.

Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1345.

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.



Legal Member/Chair

9th February 2023

Date