



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/22/3954

Property: 97 Crowlin Crescent, Glasgow G33 3PR ("Property")

Parties:

Ecosse Estates Limited, Office 2 Room 8, Kirkhill House, 81 Broom Road East, Newton Mearns, Glasgow G77 5LL ("Applicant")

Holly Combs, 97 Crowlin Crescent, Glasgow G33 3PR ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £3131.97 should be made.

Background

The Applicant sought an order for payment of £3131.97. The Applicant had lodged Form F. The documents produced were: Short Assured Tenancy Agreement dated 18 January 2016 and statement of rent arrears as at 27 October 2022.

Case Management Discussion ("CMD")

A CMD took place on 23 February 2023. Both Parties were in attendance. Reference is made to the Note of the CMD. The points on which the Parties agreed are set out in the Note. The matters to be resolved are also set out and are :

1. Calculation of rent arrears, in particular whether the rent statement accounts for all payments received.
2. Whether all the rent is due or whether, due to repair issues, some of the rent is not due.
3. On what basis the reduction in rent is claimed or rent is withheld.

4. The actual amount of rent due.

Direction

Following the CMD the tribunal issued a Direction seeking further information from the Parties to be lodged by 24 March 2023 with any reply to the representations from the opposing Party to be lodged by 17 April 2023. The Applicant lodged a timeous response to the Direction with supporting productions numbered pages 1 to 88. The Respondent did not respond to the Direction.

Hearing

A Hearing was fixed to take place on 9 May 2023. On 8 May the Respondent sought a postponement as her son was in hospital and as she had applied for legal aid. The Hearing was postponed until 10 August 2023. The Hearing took place on 10 August 2023 by conference call. James McMillan of the Applicant was in attendance. There was no appearance by the Respondent.

Mr McMillan told the Tribunal that the rent was being paid via housing benefit. He said that the current arrears are £3131.97. Mr McMillan said the Applicant had not received intimation of a legal aid application. He said that the Respondent had not responded to communications from the Applicant. He said that no payment arrangement had been put in place as the Respondent would not communicate. The Tribunal asked about the issue raised regarding repairs to the floor in the Property. Mr McMillan said that a joiner had attended and reported that the issue was cosmetic. He said there was no issue regarding the floor and no repair had been carried out.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 18 January 2016.
2. In terms of the tenancy agreement the rent was £475 per calendar month which is equivalent to £438.48 per 4 weeks.
3. The rent was increased to £507.69.
4. The Respondent has failed to pay the rent in full for the period 12 February 2021 to 10 March 2023.
5. The sum outstanding is £3131.97.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £475 per month and was increased to £507.96 per month. The Respondent had failed to pay the rent in full for the period 12 February 2021 to 10 March 2023.

Decision

The Tribunal grants an order for payment of £3131.97

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

Date: 10 August 2023