



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/22/4013

Re: Property at 53 Rosewell Drive, Lochore, Lochgelly, KY5 8DP (“the Property”)

Parties:

Ore Valley Enterprises Ltd, 114/116 Station Road, Cardenden, KY5 0BW (“the Applicant”)

Mr William Baxter, 53 Rosewell Drive, Lochore, Lochgelly, KY5 8DP (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £4429.16 together with interest at the rate of 4% per annum from the date of the order.

Background

1. The applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) by application dated 3 November 2022.
2. Accompanying the application were the following documents:
 - (a) Private Residential Tenancy Agreement
 - (b) Rent Statement
3. The application was received by the tribunal on 4 November 2022. On 23 November 2022 the application was accepted for determination.

4. The application was served upon the respondent by sheriff officers on 10 January 2023.
5. There was no representations provided by the respondent.

Case Management Discussion

1. At the case management discussion Ms Mullen attended on behalf of the respondent. She advised that currently arrears were standing at £4429.16. There was a slight reduction. The sum of £499.92 per month was currently being paid through a combination of Universal Credit (£375.00) and Discretionary Housing Payment (£124.92). These combined payments met the monthly rental liability. A payment of £33.49 had been received through Universal Credit which had gone towards arrears. Additionally there had been in September 2022 a backdated payment of £2000 from Universal Credit. It was understood that no further backdated payments were due.
2. The respondent is a 38 year old single man. He is currently unemployed. At present between universal credit and discretionary housing benefit the full amount of rent is being paid.
3. However the history is that rent does not get paid. The rent statement as lodged shows a chequered history of payments. There were even times when the respondent was receiving universal credit to make payment towards the rent and was failing to do so.
4. The applicants had spent an enormous amount of time and effort attempting to engage the respondent. Since January 2023 the applicants have sent three emails, four letters, made three telephone calls and three home visits (in which the respondent made two of the appointments) and sent six text messages.
5. Despite all these efforts there continue to be rent arrears.

Findings in Fact

1. The parties entered into a Private Residential Tenancy Agreement for the rental of the property at 53 Rosewell Drive, Lochore, Lochgelly KY5 8DP by agreement dated 14 August 2019.
2. Rent initially was to be paid at the rate of £489.25. That has subsequently arisen to the sum of £499.92.
3. At the date of the case management discussion arrears were £4,429.16.

Reasons for decision

1. The paperwork was in order. The applicants' solicitor was able to provide a significant amount of information regarding the case and including the respondent and the efforts that had been made to address the issue of arrears.
2. The tribunal accepted the evidence surrounding arrears and the amount that was outstanding.

Decision

The tribunal made an order for payment by the respondent to the applicant in the sum of £4,429.16 together with interest at the rate of 4% per annum from the date of the order.

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.

Mark Thorley

23 February 2023

Legal Member/Chair

Date