



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/23/1495

Re: Property at 68D Alexander St, Coatbridge, ML5 3JL (“the Property”)

Parties:

Mr Kyle Boswell, 9 Parkside St, Rosyth, KY11 2LP (“the Applicant”)

Miss Bethany Bordon, 68D Alexander Street, Coatbridge, ML5 3JL (“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 for £3561.56 (THREE THOUSAND FIVE HUNDRED AND SIXTY ONE POUNDS AND FIFTY SIX PENCE).

Background

1. An application was received by the Housing and Property Chamber dated 10th May 2023. 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.
2. On 26th June 2023 all parties were written to with the date for the Case Management Discussion (“CMD”) of 7th August 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 17th July 2023.

3. On 28th June 2023, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 28th June 2023.
4. The Applicant's representative emailed the Housing and Property Chamber in the morning on 7th August 2023 attaching an up to date rent account for the period 31st May 2022 to 31st July 2023. The arrears shown were £4342.59. As this arrived on the day of the CMD it was not intimated upon the Respondent as the Housing and Property Chamber did not have authority to email the Respondent.

The Case Management Discussion

5. A CMD was held on 7th August 2023 at 2pm by teleconferencing. The Applicant was represented by Ms Sarah-Louise Faulds from Dial A Home. 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 CMD.
6. Ms Faulds said that the last contact with the Respondent was on 30th June 2023. There had been email correspondence up until that point. Ms Faulds suspects that the Respondent is being paid Universal Credit Housing Element at the rate for a room in a shared property. The Respondent rents the whole one bedroom property. Ms Faulds believes that the Respondent should be receiving a larger payment towards the rent charge. She told the Respondent that and asked about payments towards the arrears. Since that point Ms Faulds has not heard from the Respondent. Ms Faulds said that the regular payment of £285 is a direct payment from the DWP towards rent and £26.51 is a payment for arrears. There have been no further payments to the arrears or offers of payment. The arrears accrued when the Respondent did not pay over her Universal Credit Housing Element. It is up to the Respondent to contact the DWP if she wishes to get her Universal Credit Housing Element reassessed. Ms Faulds said that the DWP will not correspond further with her. There is no guarantee of a backdate.
7. Ms Faulds said that the Applicant is in the process of raising an eviction application against the Respondent.
8. The Tribunal was satisfied that the outstanding amount for £3561.56 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly. The Tribunal was not able to grant an order at the higher amount of £4342.59 as the amendment had not been notified sufficiently in advance to enable it to be served upon the Respondent.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 31st May 2022.

10. The Respondent persistently failed to pay her rent charge of £570 per month. The rent payments are due to be paid on 30th day of each month.
11. The arrears sought total £4342.59. This is due to the Applicant for the outstanding arrears accrued by the Respondent. The Tribunal is able to grant an order for the notified amount of £3561.56.

Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £3561.56 (THREE THOUSAND FIVE HUNDRED AND SIXTY ONE POUNDS AND FIFTY SIX PENCE).

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

7th August 2023

Date