



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/20/2614

Re: Property at FLAT 1/1 3 DUNPHAIL ROAD, Glasgow, G34 0BX (“the Property”)

Parties:

Mr Bing Mo Angus Wong, C/O 100 ROWAN DRIVE, BEARSDEN, Glasgow, G61 3HJ (“the Applicant”)

Miss Cassey-Leigh Gillespie, 1/2 57 Calvay Crescent, Glasgow, G33 4RL (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of ONE THOUSAND EIGHT HUNDRED AND FIVE POUNDS AND FIVE PENCE (£1805.05)

Background

1. By application dated 17th December 2020 the applicant seeks an order for payment of £1805.05 in respect of unpaid rent.
2. The following documents were lodged with the application:
 - Copy tenancy agreement
 - Copy bank statements showing payments of rent
 - Copy rent account
 - Copy Housing Benefit application form
3. A case management discussion (“cmd”) was assigned for 8th March 2021. Neither party attended and the matter was adjourned to a further cmd on 19th April 2021.

Case management discussion – 19th April 2021 - teleconference

4. The applicant was represented by John Man who acted as his agent in relation to this matter. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received notice of the cmd and proceeded in her absence in terms of rule 29.
5. The Tribunal noted that the parties had entered into a Private Residential Tenancy agreement with a commencement date of 22nd May 2019. The rent payable in terms of the agreement was £466.12 every four weeks. The rent charge had been calculated on a four-weekly basis as the applicant had been aware that the respondent would be claiming housing benefit which is payable on a four-weekly basis.
6. Mr Man explained that the respondent had received assistance from Glasgow City Council's rent deposit scheme before moving in the property.
7. Issues with the payment of the rent arose after the respondent switched to Universal Credit. Previously housing benefit had been paid directly to the applicant. After the respondent moved to Universal Credit payment of housing costs stopped around August 2018. The applicant's representative tried to resolve the issue with the Department of Work and Pensions. He was advised that the respondent had been moved to Universal Credit due to a change in her circumstances. After moving to Universal Credit in August 2018, no further rent payments were received by the applicant.
8. Mr Man confirmed that the respondent had moved out of the property on 15th January 2021. By that date arrears had increased to £2086.42.

Findings in Fact

9. Parties entered into a Private Residential Tenancy agreement with a commencement date of 22nd May 2019.
10. The rent due in terms of the tenancy agreement was £466.12 every four weeks.
11. As at 22nd November 2020 outstanding rent arrears amounted to £1805.05.

Reasons for Decision

12. The Tribunal had regard to the documents lodged in support of the application and Mr Man's representations at the cmd, which they had no reason to disbelieve.
13. The Tribunal was satisfied that the rent account lodged was accurate and the amount sought was outstanding.
14. The respondent had not lodged any opposition to the application and did not attend the cmd to oppose the application.

Decision

The Tribunal determined to grant an order for payment in the sum of £1808.05.

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.

Mary-Claire Kelly

Legal Member/Chair

__19th April 2021__
Date