

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/21/0329

**Re: Property at 4 Dalvreck Cottages, Off Turretbank Road, Crieff, Perthshire,
PH7 4JN (“the Property”)**

Parties:

Mr Ian Rushworth, 59 Marchbank Drive, Balerno, EH14 7ER (“the Applicant”)

Mr Stuart Iain Gray, UNKNOWN, UNKNOWN (“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 order for payment is granted to the amount of £1900 (ONE THOUSAND AND NINE HUNDRED POUNDS).

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The application was signed on 12th February 2021. The Applicant is seeking an order for payment of the sum of £1900 in terms of section 16 of the Housing (Scotland) Act 2014.
2. The Respondent’s whereabouts are unknown. The Applicant instructed sheriff officers to trace the Respondent. This trace was unsuccessful. The Applicant was served notification of the Case Management Decision by service by advertisement from 11th May 2021. The Tribunal had a copy of the Certificate of Service by Advertisement dated 14th June 2021.

Case Management Discussion ("CMD")

3. A CMD was held on 14th June 2021 at 10am by teleconferencing. The Applicant represented himself. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing. The Applicant informed the Tribunal that the last contact with the Respondent was by telephone on 3rd December 2021. He had to use another phone to ensure that the Respondent would answer the telephone call. To the Applicant's knowledge, there were no outstanding Housing Benefit or Universal Credit Housing Element issues. At one point the Respondent was in receipt of Universal Credit. The Applicant applied for direct payments but the Respondent had stopped receiving the benefits before any payments could be made to the Applicant. The Applicant advised that the deposit has been returned to him from the deposit scheme. This was used to pay for damage to the Property. There was nothing left from the deposit to pay towards the arrears. There were no other issues of reasonableness. The arrears have not accrued further as the Respondent left the Property on 6th November 2020 by mutual consent.

Findings in Fact

4. The parties entered into a Short Assured Tenancy on 6th October 2017 for a 6 month period until 5th April 2018 and on a month to month basis thereafter. An AT5 was signed by both parties on 6th October 2017. The rent payments of £450 were due by the 6th day of each month.
5. An application was made to the Housing and Property Chamber which was signed on 12th February 2021.
6. The Respondent has persistently not made rent payments. There have been more than 3 missed payments. The amount outstanding is £1900.
7. There are no outstanding Universal Credit Housing Element or Housing Benefit issues.
8. The arrears due to the Applicant amounts to £1900.

Reasons for Decision

9. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties. The Applicant has lodged a rent statement for the period January 2020 to December 2020 in which payments have been missed which amounts to £1900 in rent arrears. The Tribunal was satisfied that there were no other issues of reasonableness before them. The Tribunal decided that the Respondent had persistently not paid the rent and was in arrears to the amount claimed by the Applicant. As a consequence the Applicant was entitled to be granted the Order for payment of £1900 against the Respondent.

Decision

10. The Applicant is entitled to an order of payment of £1900 by the Respondent.
The Order was granted against the Respondent.

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.

Gabrielle Miller

Legal Member/Chair

14th June 2021

Date