



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/21/0376

Re: Property at 69B POLTON STREET, BONNYRIGG EH19 3DQ (“the property”)

Angus Riddle, Katherine Riddle both residing at 7 Hope Place, Musselburgh EH21 7QE (“the Applicants”)

Maureen Innes, 69B Polton Street, Bonnyrigg, EH19 3DQ (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 TEN THOUSAND SEVEN HUNDRED AND THREE POUNDS AND NINETY-EIGHT PENCE (£10,703.98)

Background

1. By application dated 10th February 2021 the applicants seek an order for payment in respect of unpaid rent.
2. The following documents were lodged with the application
 - Copy tenancy agreement and AT5
 - Copy letter from Midlothian Council
 - Arrears statement
 - Copy letter from letting agents to the respondent
3. A case management discussion (“cmd”) was assigned for 19th April 2021.

Case management discussion – 19th April 2021 – teleconference

4. The applicants were represented by Jacqueline Barr, Director of AM Lettings Ltd. The respondent was not present or represented. The Tribunal noted that the application and notification of the cmd had been served on the respondent by Sheriff Officers. The Tribunal was satisfied that the applicant had received

proper notice of the cmd and proceeded with the hearing in her absence in terms of rule 29.

5. Ms Barr explained that parties entered into a tenancy agreement which commenced on 28th April 2017. The rent payable in terms of the agreement was £630 per month.
6. Mrs Barr had been instructed by the applicants since March 2020. She confirmed that the rent ledger had been prepared by the applicants and was based on the payments of rent made to their bank account.
7. Ms Barr confirmed that the respondent had been in receipt of housing benefit since the commencement of the tenancy. Housing benefit had been paid directly to the landlord. There had been a shortfall between the benefit paid and the rent due since the commencement of the tenancy. Initially the shortfall was approximately £150 per month. The amount of the shortfall fluctuated but was a minimum of £100 per month.
8. Ms Barr advised that the respondent had not paid anything towards the shortfall throughout the duration of the tenancy and arrears had been building up since the tenancy commenced. Ms Barr advised that Housing Benefit ceased being paid in January 2020. The tenant had switched to Universal Credit at that time. No payments had been made by the respondent or Universal Credit since January 2020.
9. The Tribunal enquired as to whether the respondent had been made aware that rent arrears were building up and whether requests had been made for repayment prior to the application, given the high level of arrears. Ms Barr advised that the applicants had made the respondent aware of the arrears throughout the tenancy and had contacted her on a number of occasions to request payment. Ms Barr advised that she had served notice on the tenant in March 2020 and referred to a letter which had been lodged from AM Lettings to the respondent dated 3rd February 2021 requesting payment of the arrears. The letter also provided details of where the respondent might receive assistance with any benefits issues.

Findings in fact

10. The applicants and respondent entered into a tenancy agreement on 28th April 2017.
11. The rent due in terms of the tenancy agreement was £630 per month.
12. The respondent was in receipt of housing benefit from the commencement of the tenancy until January 2020.
13. There was a shortfall between the amount of housing benefit and the rent due.
14. The respondent made no payments towards the shortfall.
15. Since January 2021 no payments have been made towards the rent.
16. As at 10th February 2021 rent arrears amounted to £10,703.98.

Reasons for the decision

17. The Tribunal took into account the application, the various documents lodged by the applicants and Ms Barr's oral representations at the cmd which it had no reason to disbelieve.
18. The Tribunal was satisfied that the rent statement lodged by the applicants was accurate and that the amount sought was due.

19. The respondent did not lodge 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 £10,703.98.

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