



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/20/1661

Re: Property at 15 Murray Terrace, Aberdeen, AB11 7SA (“the Property”)

Parties:

Mrs Aileen Stephens, 18 Holyrood Road, Dallington, Northampton, NN5 7AH (“the Applicant”)

Ms Lindsay Scotland, 9B Seaton Drive, Aberdeen, AB24 1UP (“the Respondent”)

Tribunal Member:

David M Preston (Legal Member)

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the applicant was entitled to an order for payment by the respondent in the sum of TWO THOUSAND SEVEN HUNDRED POUNDS (£2700).

Background:

1. By application dated 3 August 2020 the applicant applied to the Tribunal for an order for payment on the grounds that the respondent had accrued rent arrears under a Private Residential Tenancy Agreement. The applicant provided the Tribunal with a copy of the tenancy agreement and a rent statement in support of the application.
2. By Notice of Acceptance dated 7 September 2020 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD along with a copy of the application and supporting documentation was served on the respondent by Sheriff Officers on 21 September 2020.

4. The tribunal had before it: Application Form dated 3 August 2020; copy Private Residential Tenancy Agreement dated 8 April 2019; and Rent Statement to 31 March 2020.

The CMD

5. On 1 December 2020 a CMD was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Present by telephone at the CMD were: the applicant represented by Ms Barbara Ellis; and the respondent.
6. The tribunal noted the terms of the Tenancy Agreement which had commenced on 1 April 2019 at a rent of £850 per month. The rent statement showed that arrears had accrued until 31 March 2020 of £2700, which was the sum sought by the applicant.
7. The respondent confirmed that she accepted that the sum sought was due to the applicant but explained that she was unable to make any payment or offer of payment by instalments in view of her total indebtedness. She explained that she had taken advice from a debt counsellor with the local authority who was assisting her with her debts, but she said that she was likely heading towards bankruptcy. She was unable to make any offer of payment by instalments as she had no spare cash.

Reasons for Decision

8. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information before it, it was in a position to make a decision without further enquiry.
9. The tribunal was satisfied from the evidence provided in the written submissions and by the applicants at the CMD that the parties had entered into a Private Residential Tenancy Agreement at a rent of £850 per month and that the respondent had accrued rent arrears of £2700 which was admitted by the respondent.
13. Accordingly the tribunal granted an order for the sum sought.

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.

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