



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/20/0441

Re: Property at 8 2/2 Arbroath Road, Dundee, DD4 6EP (“the Property”)

Parties:

Mr Brian Kidd, c/o Struan Baptie property Management Ltd, 1A Victoria Road, Dundee (“the Applicant”)

Ms Hazel Ann Robertson, Address Unknown (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £4003.98 should be granted against the Respondent in favour of the Applicant.

Background

1. By application 6 February 2020, the Applicant seeks an order for payment in relation to unpaid rent. The sum specified in the application is £3425.48. A copy tenancy agreement and rent statement were lodged in support of the application.
2. The Tribunal attempted to serve a copy of the application and supporting documents on the Respondent by Sheriff Officer on 30 July 2020. However, service was unsuccessful, and the Sheriff officers reported that the Respondent appeared to have vacated the property, which seemed to be unoccupied. The Tribunal proceeded to serve the application by advertisement on the Tribunal website from 3 September 2020 until 8 October 2020. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 8

October 2020 at 2pm by telephone conference call. On 3 September 2020, the Applicant lodged an updated rent statement.

3. The application called for a CMD on 8 October 2020 at 2pm. The Applicant was represented by Ms Todd. The Respondent did not participate and was not represented

Case Management Discussion

4. Ms Todd advised the Legal Member that the Respondent is no longer in occupation of the property. She was contacted by email, and in early August 2020 confirmed that she had vacated the property. The agents spoke to neighbours, who confirmed the position. The locks were changed, the property recovered, and the tenancy ended on 11 September 2020.
5. Ms Todd advised the Legal Member that the Applicant seeks a payment order for the sum of £4003.98, being the sum currently owed in unpaid rent. She explained that the property was previously managed by Pavilion Properties. She referred the Legal Member to the updated rent statement which indicates that the arrears were £3730.38 on 1 June 2020, when the management of the property changed to the current agents. Prior to 1 June 2020, the Respondent's rent had been paid by Universal Credit, but there had been a shortfall each month which led to the arrears. After the transfer of the management of the property, two further payments of Universal credit were received, the last on 3 July 2020. The rent statement lodged shows a balance due of £4275.28 up to the end of September. Ms Todd confirmed that the balance owing on 11 September 2020, when the tenancy ended, is £4003.98. No payments have been made toward this sum and no contact from the Respondent.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent was the tenant of the property in terms of an assured tenancy agreement.
8. The tenancy ended on 11 September 2020.
9. In terms of the tenancy agreement the Respondent was due to pay rent at the rate of £425 per calendar month.
10. The sum of £4003.28 is due to the Applicant in unpaid rent.

Reasons for Decision

11. The Legal Member is satisfied that the Respondent entered into a tenancy agreement with the Applicant and undertook to pay rent at the rate of £425 per month. The tenancy ended on or about 11 September 2020. Between 1 September 2019 and 11 September 2020, the Respondent incurred rent arrears in the sum of £4003.98, partly because of a shortfall between Universal Credit payments and the monthly rent charge. She has made no payments toward this sum. The Legal Member is satisfied that the Applicant is entitled to a payment order for the sum of £4003.98

12. The Legal Member concludes that an order for payment should be granted against the Respondent.

Decision

13. The Legal Member determines that an order for payment of the sum of £4003.98 should be 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.

Josephine Bonnar, Legal Member

8 October 2020

Josephine Bonnar