



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/20/1384

Re: Property at 1 John Knox Court, Aberdeen, AB24 3LF (“the Property”)

Parties:

Drum Investments Ltd., 12 Rubislaw Terrace Lane, Aberdeen, AB10 1XF (“the Applicant”)

Ms Jill Golightly, 1 John Knox Court, Aberdeen, AB24 3LF (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,625.

Background

By application, received by the Tribunal on 22 June 2020, the Applicant sought an Order for Payment in respect of rent which had become lawfully due by the Respondent to the Applicant but which remained unpaid, The sum sought was £6,050.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 1 April 2015 at a rent of £550 per month. The Applicant also provided the Tribunal with a Rent Statement, showing rent arrears of £6,050. The Applicant subsequently provided a further Rent Statement showing arrears of £5,625 at 16 July 2020, a payment of £425 having been received on 19 June 2020.

On 9 October 2020, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 30 October 2020. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by way of a telephone conference call on the afternoon of 12 November 2020. The Applicant was represented by Miss Anne-Marie Morrice. The Respondent also participated in the conference call and told the Tribunal that she had been unemployed since being made redundant in May 2019. She was now in receipt of Universal Credit and the housing element of that was being paid directly to the Applicant. The Applicant's representative confirmed that this was the case but added that the amount being received was less than the monthly rent, so the arrears were continuing to increase and now exceeded the amount shown in the Rent Statement of 16 July 2020. The Respondent said that she had been making payments, but, due to her having put a wrong number on the payment instruction to her bank, they had mistakenly gone to the wrong bank account and, when she discovered the problem and reported this to her bank, the bank had contacted the recipient, who had refused to return the money. The Respondent accepted that this had not been in any way the fault of the Applicant.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount shown in the Rent Statement to 16 July 2020 was lawfully due by the Respondent to the Applicant.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,625.

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.

George Clark

Legal Member/Chair

12 November 2020
Date