



**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/19/0293**

**Ré: Property at 13B, Main Street, Dundee, DD4 7EY (“the Property”)**

**Parties:**

**Mr Abdul Rashid, 208, Broughty Ferry Road, Dundee, DD4 6LD (“the Applicant”)**

**Ms Nicola Smith, 13B, Main Street, Dundee, DD4 7EY (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**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 to the Applicant in the sum of £1987.93.**

**Background**

1. By application dated 25 January 2019 the Applicant’s representatives, Campbell Boath, Solicitors, Dundee, applied to the Tribunal on behalf of the Applicant for an order for payment in respect of alleged rent arrears due by the Respondent for her tenancy of the property. The Applicant’s representatives submitted to the Tribunal a copy of the lease, a schedule of rent arrears and a copy of a previous decision of the Tribunal in respect of earlier arrears due by the Respondent.
2. By Notice of Acceptance dated 12 February 2019, a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was sent to the Applicant's representatives by post on 1 March 2019 and was given to the Respondent by Sheriff Officers in advance of the Case Management Discussion.
4. Prior to the Case Management Discussion the Applicant's representatives submitted further written representations to the Tribunal reducing the sum claimed to £1987.93 and also provided a copy of a letter sent to Dundee City Council Finance Department.

#### The Case Management Discussion

5. The Case Management Discussion was held at Dundee Carers Centre, Seagate House, 132-134 Seagate Dundee on 25 March 2019. It was attended by Mr Alec Campbell of Campbell Boath Solicitors, Dundee on behalf of the Applicant. There was no appearance or representation on the part of the Respondent.
6. Mr Campbell indicated that he had spoken to the Respondent on 12 March and she had said to him that she had intended to attend the hearing. He said she had not disputed that the arrears of rent were due. As a result of his discussion with the Respondent he had written to the Dundee City Council to see if any further Housing Benefit could be paid to the Respondent. He had not received any reply.
7. Mr Campbell confirmed that the schedule of rent arrears had been prepared by him after obtaining confirmation from his client of all the payments that had been received by way of Housing Benefit since 20 August 2018. Mr Campbell confirmed that no other payments had been made by the Respondent. The sum now due was £1987.93. As disclosed on the Schedule the rent was £759.00 per calendar month and Housing Benefit was only being paid currently at a rate of £486.96.
8. Mr Campbell went on to explain that he had now served a Notice to Quit and Section 33 Notice on the Respondent as his client was seeking to recover possession of the property.
9. Mr Campbell confirmed that there had been a previous order made against the Respondent for payment of rent arrears up to 19 August 2018 in the sum of £799.00.
10. Mr Campbell asked the Tribunal to grant an order for payment by the Respondent in the sum of £1987.93.

#### Findings in Fact

11. The Respondent is in a Short assured Tenancy Agreement with a rent of £759.00 per calendar month.

12. The amount of rent due by the Respondent as at 4 March 2019 amounted to £1987.93.
13. The Respondent is in receipt of Housing Benefit amounting currently to £486.96 per month.
14. The Respondent has made no payments towards her rent beyond that received from Housing Benefit.

#### Reasons for Decision

15. The parties entered into a Short Assured Tenancy Agreement in which the Respondent agreed to pay rent of £759.00 per month. For whatever reason the only payments received by the Applicant since 20 August 2018 have been by way of Housing Benefit receipts and the Respondent has accrued rent arrears amounting to £1987.93. As the amount of arrears does not appear to be disputed the Applicant is entitled to an order for payment in that amount.

#### Decision

16. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £1987.93.

#### 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.**

Graham Harding

Legal Member/Chair

25 March 2019

Date