



**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 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).**

**Chamber Ref: FTS/HPC/CV/20/2046**

**Re: Property at Flat 1/1 40 Lethamhill Road, Riddrie, Glasgow, G33 2SB (“the Property”)**

**Parties:**

**Mrs Sarinder Bagla, 12 Oakridge Road, Bargeddie, Glasgow, G69 7TH (“the Applicant”)**

**Miss Stacey Martin, Flat 1/1 40 Lethamhill Road, Riddrie, Glasgow, G33 2SB (“the Respondent”)**

**Tribunal Member:**

**Martin McAllister (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment of the sum of ONE THOUSAND SIX HUNDRED AND NINETY FOUR POUNDS NINETEEN PENCE (£1,694.19) to the Applicant.**

### **Background**

**On 16<sup>th</sup> October 2020 the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £1,694.19 in respect of rent arrears.**

**A case management discussion was held on 7<sup>th</sup> December 2020. It was held by audio conferencing because of the current public health emergency.**

## **Case Management Discussion**

The Applicant was present and was supported by her son, Mr Sandip Bagla. The purpose of the case management discussion was set out by the Legal Member. There was no appearance by the Respondent.

Mrs Bagla referred the tribunal to the email which she had sent on 30<sup>th</sup> November 2020 and which sought to increase the amount claimed to £1,900.81. She confirmed that no formal intimation of this had been made to the Respondent and she said that the increased sum sought represented additional rent due as a result of the rent being increased. She said that the Respondent had not made the necessary intimation to the DWP for her Universal Credit to be changed. After some discussion the Applicant restricted her claim to £1,694.19. The Applicant saw no reason for a Hearing on the matter- she had lodged documentary evidence of the debt.

## **Findings in Fact**

1. The parties entered into a short assured tenancy agreement in respect of the Property.
2. The tenancy agreement was dated 26<sup>th</sup> July 2017.
3. The tenancy commenced on 26<sup>th</sup> July 2017.
4. The monthly rent due under the tenancy agreement is £504.
5. As at 16<sup>th</sup> October 2020, the Respondent had rent arrears of £1,694.19

## **Documents before Tribunal**

1. Short Assured Tenancy agreement dated 26<sup>th</sup> July 2017.
2. Landlord payment schedule from City of Glasgow Council.
3. Copy of Applicant's Santander bank statement.
4. Undated letter from DWP to Bagla Properties.
5. Email from Applicant dated 30<sup>th</sup> November 2020 together with copy of Form AT2.

## **Reasons**

The tribunal accepted the documentary evidence before it in relation to the existence of the tenancy and the arrears of rent.

Mrs Bagla said that the Respondent's rent had been paid into the landlord's bank account by City of Glasgow Council since 2017. She said that the rent stopped being paid and that, when she made enquiry, she discovered that the Respondent had been migrated to Universal Credit and that the Housing Benefit was being paid direct to her. She said that she then had to go through a process with the Department of Works and Pensions to have the payments diverted to her and that this did not occur until August 2020. She said that the Respondent has been asked to pay the arrears but has refused or delayed in doing so. Mrs Bagla said that she had been given no notice by the Council that the payments to her would cease. The Applicant said that the Form AT2 which she had lodged

reflected the increase in rent which she had initiated but she confirmed that she was not pressing for the sum due in respect of this to be included in her claim to the Tribunal.

The Tribunal saw no reason to continue the matter to a Hearing and it found, on the balance of probabilities, that the sum of £1,694.19 was due to the Applicant by 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.

**Martin J. McAllister, Legal Member.**

**7<sup>th</sup> December 2020**