



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

Chamber Ref: FTS/HPC/CV/21/0561

Re: Property at 76 Kirk Street, Coatbridge, ML5 1BP (“the Property”)

Parties:

Mr Lendrick Gillies, 132 St John's Road, Edinburgh, EH12 8AX (“the Applicant”)

Mrs Sarah Gilson, 76 Kirk Street, Coatbridge, ML5 1BP (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment amounting to £1440 (ONE THOUSAND FOUR HUNDRED AND FORTY POUNDS ONLY).

Background

1. An application was received by the Housing and Property Chamber dated 11th March 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 29th March 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) of 30th April 2021 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 19th April 2021.
3. A CMD was held on 30th April 2021 at 2pm by teleconferencing. The Applicant was represented by Mr Paul Clark, Lettings Manager, Aquila Management Services Ltd. The Respondent was present and represented herself. The arrears had reduced to £1172.42. The Respondent had been struggling

financially. Payments had been received from Universal Credit but was less than the monthly rent causing the arrears to accrue. Mr Clark had offered that if three payments of £450 were paid on the following 14th of each month he would arrange for the rent to be reduced to £450 from £495 per month. This would be back dated to the start of the tenancy. This would nearly clear the arrears. He could then arrange for a payment plan for the outstanding amount. However, this was emphasised that this would only be done if the payments were met. The Respondent wanted the CMD continued to allow her to submit time to pay paperwork. She would also submit a Discretionary Housing Payment application. The CMD was continued to 18th June 2021.

4. On 17th May 2021, all parties were written to with the date for the Case Management Discussion ("CMD") of 18th June 2021 at 10am by teleconferencing.

The Case Management Discussion

5. A CMD was held on 18th June 2021 at 10 am by teleconferencing. The Applicant was represented by Mr Paul Clark, Lettings Manager, Aquila Management Services Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing. The Respondent had not submitted time to pay paperwork to the Housing and Property chamber. Mr Clark informed the Tribunal that there had been a payment of £450 on 14th May as agreed. A payment of £272.02 was made on 26th May 2021. There was been no payment on 14th June 2021. The Respondent did contact Mr Clark to let him know that a payment would be in on 27th June 2021. Mr Clark is aware that this is when Universal Credit normally makes payment so thinks that the Respondent is awaiting her own payment from Universal Credit to allow her to make the payment. Her arrears have increased again since the last CMD back up to £1440.40. The arrears were at £1172.42 on 13th April 2021. Mr Clark is hopeful that the payments will be forthcoming and has been encouraged by the Respondent as she has been in regular communication with her. Mr Clark will decide upon whether to enforce the Order depending on the payments he receives. He is reserving his position on this point.

Findings and reason for decision

6. A Private Rented Tenancy Agreement commenced 1st August 2020.
7. The Respondent persistently failed to pay her rent charge of £495 per month. The rent payments are due to be paid on 14th day of each month.
8. There are now no outstanding Universal Credit Housing Element or Housing Benefit issues.

9. The arrears sought are £1440.

Decision

10. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1440.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

18th June 2021

Legal Member/Chair

Date