



**Decision with Statement of Reasons 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/19/3783**

**Re: Property at 2/L 563 South Road, Dundee, DD2 4QB (“the Property”)**

**Parties:**

**Mr Stephen Mackie, Mrs Christine Mackie, The Rowans, Bonnyton Road, Auchterhouse, Dundee, DD3 0QT (“the Applicants”)**

**Mr Andrew Ramsay, Mrs Helen Ramsay, 2/L 563 South Road, Dundee, DD2 4QB (“the Respondents”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment for £1064.59.**

1. An application was received on 27<sup>th</sup> November 2019 and signed 26<sup>th</sup> November 2019. 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. The Tribunal had before it:-
  - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 10<sup>th</sup> April 2019;
  - b. Rent statement from 10<sup>th</sup> April 2019 to 10<sup>th</sup> January 2019. This detailed the rent of £550 per month and arrears of £2114.59;
  - c. Saisine search for deeds ANGUS78034; and
  - d. Notice of Acceptance of Application was signed on 4<sup>th</sup> December 2019.

3. On 23<sup>rd</sup> December 2019, all parties were written to with the date for the Case Management Discussion (“CMD”) of 24<sup>th</sup> January 2019 at 10am at Caledonia House, Greenmarket, Dundee. The letter also requested all written representations be submitted by 13<sup>th</sup> January 2020.
4. On 24<sup>th</sup> December 2019, sheriff officers served the letter with notice of the hearing date and documentation upon both of the Respondents. This was evidenced by Certificate of Citation dated 24<sup>th</sup> December 2019.

### The Case Management Discussion

5. A CMD was held on 24<sup>th</sup> January 2020 at 2pm at Caledonia House, Greenmarket, Dundee. The Applicants were represented by Mr David Willkie from The Property Management Company. The Respondents were 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 Applicants submitted the up to date rent statement. Mr Willkie informed the Tribunal that the amount he was seeking was the original amount stated in the application of £1064.59. He noted that there had been issues with Universal Credit being paid and the Respondents being subject to a benefits cap. The Respondents had worked with a charity which had resulted in the benefit cap being lifted. However, the back payment of benefit was paid directly to the Respondents who did not pay it over to the Applicants. The Applicants were now receiving Universal Credit payments directly.

### Findings and reason for decision

6. A Private Rented Tenancy Agreement commenced 10<sup>th</sup> April 2019.
7. The Respondent persistently failed to pay her rent charge of £550 per month. The rent payments are due to be paid on 10<sup>th</sup> day of each month.
8. There are now no outstanding Housing Benefit issues.
9. The arrears sought totalled £1064.59. Amounting to rent arrears

### Decision

10. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1064.59.

### **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.**

Gabrielle Miller

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Legal Member/Chair

24 JAN 2020  
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Date