



**Decision 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/22/4107**

**Re: Property at 8 Northfield East, Tranent, East Lothian, EH33 1JU (“the Property”)**

**Parties:**

**MacIntosh & Sons Ltd, 4 Satellite Park, Macmerry, Tranent, EH33 1RY (“the Applicant”)**

**Ms Claire Joyce Stewart, 8 Northfield East, Tranent, East Lothian, EH33 1JU (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

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

At the Case Management Discussion (“CMD”), which took place by telephone conference on 4 May 2023 the Applicant was represented by Ms Rosey Seaward of Ennova Law. The Applicant was not in attendance. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-**

**Background**

A CMD had previously taken place on 21 February 2023. The Respondent was present at that CMD. The CMD on 21 February 2023 was adjourned for the following purposes:-

- i. For the Respondent to produce full details of the additional payments that she maintained she has paid to the Applicant by way of rent and which are not shown on the rent statement within the application paperwork, those details with supporting evidence by way of bank statements or similar to be provided no later

- than 14 days prior to the adjourned CMD. A Direction was issued by the tribunal to the Respondent to that effect.
- ii. For the Respondent to make arrangements for the housing element of her Universal Credit to be paid directly to the Applicant or the Applicant's agent on or before 5 March 2023.
  - iii. For the Respondent to pay an additional sum of at least £100 per month over and above the monthly rent due with effect from 15 March 2023.

In advance of the CMD on 4 May 2023 the Tribunal received from the Applicant's representative a Rent Statement dated 3 May 2023. The Tribunal did not receive any representations or contact from the Respondent.

### **The CMD**

At the CMD Ms Seward stated that there had been no contact from the Respondent and the information required in terms of the Tribunal's Direction of 21 February 2023 had not been provided. The Respondent had not made arrangements for the housing element of her Universal Credit to be paid directly to the Applicant or the Applicant's agent and those sums that had been paid in March 2023 had been paid by the Respondent directly. Further, whilst the Respondent had paid the March rent of £600 plus additional payments totalling £500 she had not made any payments in April or May 2023. The rent arrears outstanding and due had therefore increased to £5,790. The Respondent remains in occupation of the Property. Eviction proceedings have commenced.

The Applicant therefore sought a payment order in a sum of £3,290 being the amount sought in terms of the application.

### **Findings in Fact**

The tribunal makes the following findings in fact:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") dated 30 April 2018 and that commenced on 1 May 2018.
- ii. The rent payable in terms of the PRT is £630 per calendar month payable in advance on the seventh day of each month.
- iii. In terms of the PRT a deposit of £300 was also paid by the Respondent.
- iv. The rent was reduced to £600 per calendar month from at least July 2019.
- v. The Respondent remains in occupation of the Property.
- vi. The current balance outstanding and due by way of rent arrears is £5,790.

### **Reasons for Decision**

The Respondent did not submit any written representations to the Tribunal and did not attend the CMD on 4 May 2023. She had not complied with the Tribunal's Direction of 21 May 2023. The factual position narrated by the Applicant at the CMD on 4 May 2023 was not challenged and was accepted by the Tribunal.

Rent arrears of £5,790 are due.

### **Decision**

The Tribunal granted a payment order in favour of the Applicant requiring the Respondent to pay to the Applicant £3,290.

## **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.**

\_\_\_\_\_  
**Legal Member/Chair**

\_\_\_\_\_  
**4 May 2023  
Date**