



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/20/2607

Re: Property at 146 Izatt Avenue, Dunfermline, Fife, KY11 3BB (“the Property”)

Parties:

Trustees of Patricia Richards Personal Injury Trust, 7th Floor, Delta House, 50 West Nile Street, Glasgow, G1 2NP (“the Applicant”)

Miss Leanne McLaughlin, 146 Izatt Avenue, Dunfermline, Fife, KY11 3BB (“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 order for payment is granted in favour of the Applicant to the amount of £6200 (SIX THOUSAND AND TWO HUNDRED POUNDS) plus interest at 2% per annum.

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Application was dated 16th February 2021. The Applicant is seeking an order for payment of the sum of £6200 plus interest at 8% per annum in terms of s16 of the Housing (Scotland) Act 2014.

2. On 2nd March 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) on 6th April 2021 at 11.30am by teleconferencing. The letter also requested all written representations be submitted by 23rd March 2021.
3. Sheriff Officers served notice of the Case Management Discussion upon the Respondent by letterbox delivery 3rd March 2021.

Case Management Discussion (“CMD”)

4. A CMD was held on 6th April 2021 at 11.30am by teleconferencing. The Applicant was represented by Ms Michelle Moran, solicitor, Stevenson & Marshall solicitors. The Applicant did not attend. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
5. Ms Moran informed the Tribunal that there have been no payments since March 2020. Prior to that there had been some periods when payments were missed but no payments have been received at all since March 2020. Ms Moran had emailed in an up to date rent statement on the day of the hearing noting that the current arrears as at March 2021 are £7850. Ms Moran appreciated that the Tribunal could not increase the amount sought to this level as there had not been sufficient time to notify the Respondent of the change. It had been submitted for illustrative reasons.
6. Ms Moran believed the Respondent to be employed. Neither she nor her client are aware of any outstanding Housing Benefit or Universal Credit Housing Element payments that are due.
7. The application sought interest at rate of 8% to be granted. This was not detailed within the lease. The Tribunal considered that given the very low base rate of interest that 2% was more appropriate. Ms Moran noted that she did not oppose that.
8. The Respondent is still within the Property. An eviction action had been raised but was dismissed due to the notice period not complying with the amendments made by the Coronavirus (Scotland) Act 2020.

Findings in Fact

9. The parties entered into a Short Assured Tenancy on 5th December 2016 for 6 months until 4th June 2017 and on a month to month basis thereafter. The lease was signed on 8th December 2016. An AT5 was signed by both parties on 2nd December 2016. The rent payments of £550 are due each month.
10. The Housing and Property Chamber received an Application signed on 16th February 2020.

Gabrielle Miller

6th April 2021

Legal Member/Chair

Date