

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/0937

Re: Property at 133 Torbrex Road, Cumbernauld, G67 2JY (“the Property”)

Parties:

Mr David Bishop, 1 Newmains Road, Kirkliston, Edinburgh, EH29 9AL (“the Applicant”)

Miss Lisa Gouck, 59G Chapel Street, Airdrie, ML6 6LE (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member) and Mary Lyden (Ordinary Member)

Decision

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

BACKGROUND

1. This is an application for an order for payment of arrears of rent arising out of a Short Assured Tenancy between the parties in respect of the Property, commencing 26 March 2015. In terms of that Tenancy, £720 per month was payable by way of rent, the first payment to be made at the date of entry and continuing monthly thereafter. At a Case Management Discussion on 5 July 2018, the sum claimed was amended and reduced to £2,286-82, per the Notes of that CMD which were available for this Hearing.

THE HEARING

2. Both Parties attended the Hearing and the Applicant confirmed and clarified the sum he was seeking. The Respondent conceded this was due by her. Upon being asked about how the arrears had arisen, the Respondent advised that her partner had had health and employment issues which adversely impacted upon both his ability to assist her with payment of the rent and

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Housing Benefit to which she was entitled. Such issues were continuing but the net result of them was the accumulation of the accepted sum of arrears. She confirmed she had 4 children, aged 3, 9, 11 and 13 and was expecting another child. The present family income consisted of benefits only. Her partner is a chef by qualification but was not working at present and there was no immediate prospect of him regaining employment. She could perhaps offer between £10 and £15 towards the arrears but a previous arrangement had not been adhered to, again due to the varying circumstances of the Respondent and her partner.

FINDINGS IN FACT

3. By agreement, as above indicated, the sum due by the Respondent was £2,286-82, due in terms of the Tenancy Agreement entered into between them.

REASONS FOR DECISION

4. As above stated, there really was no disagreement between the parties as to the sum due. Both conducted themselves with dignity and courtesy, both towards the tribunal and each other, even when discussing the rent arrears. Any arrangement whereby the sum due was to be paid off at the rate proposed by the Respondent was not practical, given that it would take about 3 years to make payment in full.

DECISION

5. To make the order for payment of rent arrears in the sum of £2,286-82.

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.

Steven Quither

SR QUITHER
Legal Member/Chair

13 September 2018