

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/1518**

**Re: Property at 34 Morrison Court, Stevenston, KA20 4JS ("the Property")**

**Parties:**

**Mrs Clare-Louise Adam, 13 Corsankell Wynd, Saltcoats, KA21 6HZ ("the Applicant")**

**Miss Kathrin Huettemann, 39 Lumsden Place, Stevenston, KA20 4HF ("the Respondent")**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment in the sum of £2300 should be made in favour of the Applicant.**

**Background**

1. An application dated 14<sup>th</sup> June 2018 was submitted. The Applicant seeks payment of £2300 in respect of unpaid rent and £200 to cover the cost of a replacement oven and hob.
2. A tenancy agreement between the parties was lodged with the application. In terms of the agreement the weekly rent charge was £115.07.

### **Case Management Discussion ("CMD")**

3. The CMD took place at Ayr Town Hall on 10<sup>th</sup> September 2018 at 11.30 am. The Applicant attended the hearing. The Respondent was not present. Having regard to Rule 29 and having been satisfied that notice had been given in terms of Rule 24(1) of the Rules, the Tribunal proceeded with the CMD in the absence of the Respondent.
4. The Applicant confirmed that the Respondent had been receiving Housing Benefit to cover the rental charge. The Housing Benefit paid had been £111 per week. The Applicant had not received payment of Housing Benefit since February 2018. Housing Benefit had been paid directly to the Applicant and bank statements had been lodged showing payment to account.
5. The Applicant advised that the amount being sought by her represented 21 weeks unpaid rent at the rate of £111 rounded down to £2300.
6. The Applicant had attended the property on 1<sup>st</sup> May 2018 to carry out an inspection. The Respondent advised the Applicant on that date that she had moved out of the property.
7. The Applicant found the property to be in a poor state of repair. She had refurbished the property prior to letting it to the applicant. The Applicant advised that she had received a deposit of £280 from the Respondent. The Applicant had not placed the deposit in a Tenancy Deposit Scheme as the tenancy amount had been incomplete.
8. The Tribunal requested vouching for the amount of the deposit used by the applicant to carry out repairs in the property. The Applicant advised that she could provide receipts and vouching but wished to avoid an adjournment. She advised the Tribunal that she no longer sought payment in respect of the oven and hob and wished to pursue only the outstanding arrears.
9. The Tribunal amended the application accordingly.

### **Findings in Fact**

- i. The parties entered into a tenancy agreement which commenced on 3<sup>rd</sup> October 2016.
- ii. The rent payable in terms of the tenancy agreement was £115.07 per week.

- iii. The Applicant became aware that the Respondent had removed from the property on 1<sup>st</sup> May 2018.
- iv. In terms of the tenancy agreement the Respondent required to give 2 months written notice.
- v. The arrears of rent are 21 weeks of rent due.
- vi. The amount sought by the Applicant of £2300 is due.

### **Reasons for Decision**

10. The Tribunal accepted the Landlord's evidence that the amount of £2300 was due in respect of arrears of rent.

### **Decision**

11. An order is granted in favour of the Applicant for payment in the sum of £2300.

### **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.

**Mary-Claire Kelly**

Legal Member/Chair

Date

10<sup>th</sup> September 2018