



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2209

Re: Property at 55 Ford Crescent, Thornton, KY1 4EB (“the Property”)

Parties:

Margaret Davidson, 3 Auchavan Gardens, Glenrothes, KY7 4TU (“the Applicant”)

Brian McGlashan, 55 Ford Crescent, Thornton, KY1 4EB (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £4,901.00 with interest running on that sum at the rate of 8 per cent per year from today’s date until payment.

Background

[2] The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements. The Applicant had competently amended the sum claimed to the figure of £4,901.00 in advance of the Hearing.

[3] The Application had called previously for a Case Management Discussion (CMD) on 7 November 2023. The Respondent had appeared and accepted that he had fallen into rent arrears and had chronically mismanaged his payment of the rent. That was despite receiving direct payments from housing benefit which were supposed to be used by the Respondent for paying the rent. The Application was continued to a further CMD to allow the Respondent an opportunity to make good on his stated intentions to sort out his finances and start making regular payments.

The Case Management Discussion

[4] The Application called again for a CMD by conference call at 10 am on 9 February 2024. The Applicant was again represented by Ms Wooley of BKF Solicitors. The Respondent was again present. Neither party had any preliminary matters to raise. Ms Wooley explained that the Respondent had not made any further payments to his rent at all since the last CMD and the rent arrears were now in the sum of £4,901.00. The Tribunal discussed all aspects of the Application with the parties. The Respondent gave an account of how on 31 December 2023 he had made a payment of £550.00 to his old window cleaner by mistake, having intended to make that payment to the landlord.

[5] The Respondent appeared to attach no importance to the making of regular rental payments and, even if what he said were true, had not paid anything for November 2023 nor January 2024 nor February 2024. The Respondent explained that he prioritised other debts and expenses over the regular payment of rent. The Respondent appeared entirely blasé about the rent and the Tribunal had no confidence whatsoever that the Respondent would actually ever make any further payments. He appeared untroubled by the fact that he received housing benefit payments and simply used this money for other purposes.

[6] Having heard from parties, the Tribunal made the following findings in fact.

Findings in fact

- I. *The Applicant let the Property to the Respondent by virtue of a short-assured tenancy within the meaning of the Act;*
- II. *The Respondent regularly pays no rent at all and uses the housing benefit he receives to spend on other things;*
- III. *The Respondent's rent arrears are in the sum of £4,901.00 and are continuing to increase;*

Reasons for Decision

[7] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £4,901.00 with interest running on that sum at the rate of 8 per cent per year from today's date until payment.

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.

Legal Member/Chair

9 February 2024

Date