

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, and rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/18/0620

Re: Property at 3 Glencairn Road, Paisley, PA3 4LN (“the Property”)

Parties:

Mainline Developments Limited, 90 Mitchell Street, Glasgow, G1 3NQ (“the Applicant”)

Mrs Bernadette Mooney, 3 Glencairn Road, Paisley, PA3 4LN (“the Respondent”)

Tribunal Members:

Adrian Stalker (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the sum sought by the Applicant, as rent arrears, of £5,589.17, was lawfully due from by the Respondent, granted an order for payment of that sum, by the Respondent, to the Applicant.

Background

1. On or about 1 December 2013, the Applicant let the property to the Respondent, under an assured tenancy. The parties entered into a written tenancy agreement. This states that the rent is £520.

2. By applications dated 13 March 2018, the Applicant sought an order for recovery of possession under section 18(3) and (4) of the Act, and an order for payment of £5,589.17, being rent arrears. The rent arrears application is FTS/HPC/EV/18/0618. Reference is made the Tribunal’s decision in relation to that case, also dated 7 August 2018.

3. On 19 June 2018, a legal member having delegated powers referred the case to the Tribunal for a hearing.

The hearing

4. The hearing took place at 10 am on 7 August 2018, at the Glasgow Tribunals Centre, Room 112, 20 York Street, Glasgow, G2 8GT. Carolann McPhillimy, of the Applicant, attended, along with Mr Buchanan, of Buchanan Burton Solicitors, their agents. The Respondent did not appear, and was not represented.

Findings in fact, and in fact and law; reasons for decision

5. The Tribunal was provided with a copy of an email from the Housing Benefit section of Renfrewshire Council, showing the payments of housing benefit made to the Respondent. It was also provided with a rent account, showing arrears accumulating from June 2016 onwards. The account had been in arrears since then. The four-weekly rent stated in the Applicant's account was £480.

6. The arrears increased significantly in the period October 2016 to November 2017, during a period when the Respondent's housing benefit payments were significantly less than the rent. By November 2017, the arrears stood at £6,984.81. There is a credit of £1,217.30 on or about 22 November 2017, which is a housing benefit backdate. Thereafter, between November 2017 and April 2018, the level of housing benefit was higher: being £406.16 every four weeks. However, that was not enough to cover the rent. Consequently, the arrears continued to rise, albeit more slowly, leading to a balance of £6,136.71, as at 12 March 2018.

7. At the hearing, the Applicant only sought an order for payment of in the amount stated in the application to the Tribunal: £5,589.17. In light of the documents produced, and in the absence of any representation by the Respondent to the contrary, the Tribunal was satisfied that that this sum was lawfully due.

Decision

8. The Tribunal accordingly granted an order for payment in the sum of £5,589.17.

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.

Adrian Stalker

Legal Member/Chair

Date

7/8/18.