



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 Housing (Scotland) Act
2014**

Chamber Ref: FTS/HPC/CV/18/2892

Re: Property at 135 Sundrum Place, Kilwinning, KA13 6SY (“the Property”)

Parties:

**Mr Samuel Raymond James Clyde, Mrs Jackie Clyde, 56 Drumcroon Road,
Garvagh, Coleraine, BT51 4ED; 56 Drumcroon Road, Garvagh, BT51 3ED (“the
Applicant”)**

**Mrs Helen Harris or McKnight, 45 Blacklands Crescent, Kilwinning, KA13 6HS
 (“the Respondent”)**

Tribunal Members:

Josephine Bonnar (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 should be made in favour of
the Applicants in the sum of Four thousand six hundred and seventy six
pounds and fifty seven pence (£4676.57).**

Background

1. The Applicant lodged an application with the Tribunal on 26 October 2018 seeking an order for payment of the sum of £4676.57. The Applicant stated that the Respondent had incurred rent arrears of this sum during her occupation of the property. A number of documents were lodged with the application, including a copy tenancy agreement dated 6 December 2013 and a rent account for the period 13 January 2014 to 16 August 2018.
2. On 13 December 2018 a copy of the Application and supporting documentation were served on the Respondent by Sheriff Officer. Both parties were notified that a Case Management Discussion (“CMD”) would take

place at Troon Town Hall, Municipal Buildings, South Beach, Troon on 11 January 2019 at 2pm.

3. The case called before the Legal Member for a CMD on 11 January 2019. The Applicant was present. There was no appearance by or on behalf of the Respondent. No written representations were received from either party in advance of the CMD.

Case Management Discussion

4. The Applicants advised the Legal Member that although the tenancy agreement stipulated rent of £500 per calendar month, the Respondent paid her rent four weekly as she was in receipt of housing benefit. Rent arrears were first incurred when the tenant failed to complete housing benefit forms. The Applicants served a notice to quit and intended to recover the property. They were contacted by the homeless team of the local authority. Housing benefit was re-instated and a repayment arrangement made for the arrears. The Respondent failed to adhere to the arrangement and housing benefit subsequently stopped again, as a result of a failure by the Respondent to complete forms. The property was recovered in August/September 2017. Since then the Respondent has made no payments toward the sum claimed. The Legal Member asked the Applicants about the discrepancy between the tenancy agreement, which identifies the Respondent as Helen Harris, and the rent account which says Helen McKnight. The Applicants advised that they understand that the Respondent got married, although they do not know which name is her married name and which is her maiden name. The Applicants confirmed that the sum claimed in the application and detailed in the rent account remains outstanding and that they have had no contact from the Respondent or proposal for payment of the sum due.

Findings in fact.

5. The Applicants are the owners of the property.
6. The Respondent was the tenant of the property from 13 January 2014 until 16 August 2017 when she vacated the property. In terms of the tenancy agreement between the parties dated 6 December 2013 the rent due was £500 per calendar month.
7. Between 16 November 2015 and 16 August 2017 the Respondent incurred rent arrears of £4676.57.
8. The Respondent has failed to make payment of the rent arrears.

Reason for decision

9. From the documents lodged with the application and the discussion at the CMD it was established that the Respondent formerly occupied the property in terms of a tenancy agreement between the parties. She was due to pay rent of £500 per month. Rent arrears of £4676.57 have been incurred. The Respondent vacated the property and the tenancy came to an end. The Respondent has failed to pay the arrears due.
10. The Legal member therefore concludes that an order for payment of the sum of £4676.57 should be made.

Decision

11. The Legal Member accordingly determines that an order for payment by the Respondent of the sum of £4676.57 in favour of the Applicants should be made.

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.

Josephine Bonnar

11 January 2019

Josephine Bonnar
Legal Member