



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

Chamber Ref: FTS/HPC/CV/19/2222

Re: Property at 34 Pine Court, Cumbernauld, G67 3AY (“the Property”)

Parties:

Ms Julia Fielden, 2a Westmount Park, Newtownards, Co Down, BT23 4BP (“the Applicant”)

Ms Alison Thompson, Ms Ellie Thompson, 34 Pine Court, Cumbernauld, G67 3AY (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondents)

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

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the sum of £1,891.50 to the Applicant in relation to rent arrears due by the Respondents together with expenses and interest.
2. The application contained:-
 - a copy of the tenancy agreement, and
 - rental statement

3. Ms Allison from Messrs Anderson Strathern appeared on behalf of the Applicant. There was no appearance by the Respondents.
4. Notice of the Hearing had been served on the Respondents by sheriff officers on 27 August 2019. As I was satisfied that the Respondents had been served with notice of today's hearing I was therefore prepared to proceed with today's hearing in their absence.

Hearing

5. The Applicants' agent referred me to the papers which had been lodged in support of the application, including the tenancy agreement, and rent account statement. There was also submitted an updated rental statement. This application related to unpaid rent due in terms of that agreement. The Respondent had failed to make regular rental payments since the tenancy began in 28 February 2019.
6. The Applicant's agent provided an updated rent account and advised that the current level of arrears were £2253.75. She advised that while there were now payments being received from housing benefit, the arrears were not being paid. Further there was a top up payment required in addition to the housing benefit paid and it was not being paid by the Respondents.
7. The Applicants' agent advised that the rent arrears were still outstanding as at today's date. She advised that she was no longer seeking interest or expenses.

Findings in Fact

8. The Tribunal found the following facts to be established:
9. A tenancy agreement was entered into between the Applicant and the Respondent for the property and existed between the parties. It was entered into on 28 February 2019.
10. Clause 8 in the tenancy agreement provided that monthly rent was £550 and the rent payment date was 5th of each month.
11. That the rental statement showed amounts due each month, amounts received, and rent outstanding.
12. That the rental statement lodged with the application showed total rent arrears outstanding as at 28 June 2019 being £1891.50.
13. That it appeared that there had been no payments towards the rent arrears other than those shown on the rent statement.

Reasons for Decision

14. Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from private residential tenancies.
15. As this tenancy is a private residential tenancy I am content that I have jurisdiction to deal with this case.
16. There was no response or appearance from the Respondents but they had been notified of today's hearing.
17. The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondents have failed to do so. There was submitted a rental statement showing the arrears due and additional information provided today by the Applicant's agent was that there had been no further payments towards the rent arrears and this was therefore the sum still outstanding.
18. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for.

Decision

I grant an order in favour of the Applicant for ONE THOUSAND EIGHT HUNDRED AND NINETY ONE POUNDS FIFTY PENCE (£1891.50) STERLING against the Respondents.

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.

M.B

Legal Member/Chair

3. 10. 19
Date