



**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/18/0996

Re: Property at 18/12 Colonsay View, Edinburgh, EH5 1FJ (“the Property”)

Parties:

Northern Housing Company Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

Ms Fatou Baldeh, 18/12 Colonsay View, Edinburgh, EH5 1FJ (“the Respondent”)

Tribunal Members:

Sarah O'Neill (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 by the respondent of the sum of £2868.84 should be granted in favour of the applicant.

Background

An application was received on 25 April 2018 for a payment order brought in terms of rule 70 (Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”).

The applicant was seeking payment of rent arrears of £2868.84 from the respondent in relation to the property, being the amount of arrears outstanding as at 3 April 2018.

The application included copies of the tenancy agreement; a rent statement, and two letters from the applicant advising the respondent of rent increases.

Notice of the case management discussion, together with the application papers and guidance notes, had been served on the respondent by sheriff officers on behalf of the tribunal on 21 May 2018.

The Case Management Discussion

A case management discussion was held on 19 June 2018 at George House, 126 George Street, Edinburgh EH2 4HH. The applicant was represented by Mr Neil Matheson of TC Young Solicitors and by Ms Lindsay Hart, Estates Officer with the applicant. The respondent was not present. No written representations had been received from the respondent.

The applicant's representatives told the tribunal that they understood that the respondent was out of the country at present, but that members of her family were still living at the property, and that she was aware of the tribunal proceedings.

The tribunal was satisfied that the requirements of rule 24(1) of the 2017 rules regarding the giving of notice of a hearing had been duly complied with. It therefore proceeded with the case management discussion on the basis of the representations made by the applicant's representatives, and all the material before it.

Mr Matheson on behalf of the applicant referred the tribunal to the rent statement dated 18 April 2018 which had been lodged in support of the application. He advised the tribunal that the rent arrears owed by the respondent had increased since the application was lodged, and as at the date of the case management discussion stood at £3952.95. He confirmed, however, that the applicant did not wish to amend the sum sought, and was still seeking an order for the original sum stated in the application only i.e. £2868.84.

Ms Hart told the tribunal that the respondent had been experiencing personal difficulties. She was not entitled to housing benefit due to her status, but had been receiving monthly financial support towards her rent from the City of Edinburgh Council's Asylum Seekers and Refugees Support Team. The last payment of a month's rent had been received from the council in March 2018, in respect of the rent for January 2018. A repayment agreement had been reached with the respondent to pay £50 per month towards the arrears from February 2018. The most recent payment had been made in May 2018, but the direct debit had now been cancelled. She said that the police had confirmed that the respondent had left the country with members of her family in February. The council had now stopped the rent payments because the respondent had left the country, although Ms Hart said the respondent had told her that she intended to move back to the UK.

Findings in Fact

- The tribunal was satisfied that there was a valid short assured tenancy in place between the parties.
- As at 3 April 2017, the respondent owed the applicant the sum of £2868.84 in rental payments.

Reasons for Decision

Having considered the terms of the short assured tenancy agreement, and the copy rent statement provided, the tribunal was satisfied that this confirmed an outstanding balance of rent arrears as at 3 April 2018 in the sum of £2868.84. In the absence of any appearance by, or written representations from the respondent, the tribunal decided to make an order for payment by the respondent to the applicant of the sum sought.

Decision

The tribunal grants an order for payment by the respondent to the applicant for the sum of £2868.84.

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.

S O'Neil

Legal Member/Chair

19/6/18

Date