

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/2922**

**Re: Property at 18 Ashyards Crescent, Eaglesfield, Lockerbie, DG11 3NS (“the Property”)**

**Parties:**

**Mrs Irene Graham, Mrs Eleanor Warwick, 49 Pinecroft, Carlisle, CA3 0DB; 20 Fieldside, Annan, DG12 5HL (“the Applicant”)**

**Miss Emma Lawrence, 29 Esk Road, Gretna, DG165BT (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):**

**Sum of THREE THOUSAND AND FORTY-EIGHT POUNDS AND SEVENTY-FOUR PENCE (£3,048.74) STERLING**

The Case Management Discussion took place on 15 January 2019. The applicants were personally present. There was no appearance by or on behalf of the respondent.

The applicants confirmed that they sought a payment order to be granted by the Tribunal in the reduced sum of £3,498.74. The sum sought in the application had been £3,714.07 but this is reduced due to a payment of Housing Benefit having been received by the applicants.

The respondent had written to the Tribunal in advance of the Case Management Discussion. In her letter of 12 December 2018 she did not put forward any dispute

as to the figure sought by the applicants. She confirmed that she had removed from the property and claimed that she had made a monthly payment of £75 to the applicants. She also advised that she was content for the applicants to retain the deposit held of £450 to apply towards the debt due. She stated that she was not in a position to repay all of the money due as she was currently out of work.

The applicants advised the Tribunal that the respondent had made some payments towards her arrears but that these had been sporadic. She had paid £100 on 7 November 2018, £70 on 7 December 2018 and £75 on 7 January 2019. She had not however been making any payments towards her ongoing rental liability and the repayments made were not in a sum agreed with the applicants.

The Tribunal raised the issue of the outstanding deposit, and the fact that this had still not been dealt with by the tenancy deposit scheme. The applicants confirmed that the sum of £450 is held by a tenancy deposit scheme. They have applied for repayment of this sum and the respondent has been given until 25 January 2019 to respond to said request. The respondent's letter confirmed that she was happy for the deposit to be retained by the applicants. Accordingly, the applicants confirmed that they would deduct the £450 from the arrears balance due, on the basis that they anticipate receiving same in due course. The applicants sought an order in the sum of £3,048.74.

The Tribunal was satisfied that:

- The parties entered into a tenancy agreement under the terms of which rent was payable by the respondent to the applicants
- The respondent had failed to pay rent lawfully due under the terms of the said agreement
- The applicants had applied to the tenancy deposit scheme for return to them of the deposit of £450 held during the course of the tenancy
- The rent arrears due by the respondent were £3498.74
- Under deduction of the tenancy deposit due to be repaid to the applicants, the respondent was due to pay the sum of £3048.74 to the applicants.

Accordingly, the Tribunal granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND AND FORTY-EIGHT POUNDS AND SEVENTY-FOUR PENCE (£3,048.74) STERLING

### **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.**

Fiona Watson

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**Date**

15/1/19.