

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**

Chamber Ref: FTS/HPC/CV/18/0989

Re: Property at 65 Drumgelloch Street, Airdrie, ML6 7EZ (“the Property”)

Parties:

Mr Scott Middleton, 46 Glenwell Street, Airdrie (“the Applicant”)

**Ms Natalie Bowman, 65 Drumgelloch Street, Airdrie, ML6 7EZ (“the
Respondent”)**

Tribunal Members:

Graham Harding (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order against the
Respondent for payment of the sum of THREE THOUSAND ONE HUNDRED
AND SIXTY EIGHT POUNDS (£3168.00)**

Background

1. By application dated 23 April 2018 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of arrears of rent amounting to £3168.00.
2. By Notice of acceptance dated 22 May 2018 a legal member with delegated powers accepted the application and referred the application to a hearing of the Tribunal.
3. Intimation of the hearing was given to the Respondent by Sheriff Officers on 27 July 2018.

The Hearing

4. The Hearing took place on 28 August 2018 at Glasgow Tribunals Centre, 20 York Street Glasgow. It was attended by the Applicant, the Applicant's wife and Mr James Moore, Solicitor, Motherwell on behalf of the Applicant. The Respondent did not attend and was not represented.
5. For the Applicant Mr Moore produced information to the Tribunal confirming that the current rent arrears stood at £5868.00. No rent had been received since August 2017.
6. Mr Middleton confirmed that this was the case and that no rent had been paid since housing benefit had stopped being paid into his bank account in August 2017. Prior to that there had been a monthly shortfall of rent of £56.00. He said he could if required produce bank statements to confirm the position.
7. Mr Moore explained that although he was instructed to ask for the order for payment his client did not think there was any realistic prospect of recovering the sums due as the Respondent was in receipt of state benefits. He was not looking for interest or expenses.

Findings in Fact

8. The Respondent is due the Applicant as at the date of the hearing rent of £5868.00
9. The sum claimed by the Applicant in terms of the application is £3168.00.

Reason for Decision

10. The Respondent has failed to pay the Applicant any rent since housing benefit was stopped being paid into the Applicant's bank account in August 2017.
11. The Respondent has continued to occupy the property. The Applicant is therefore entitled to the order sought.

Decision

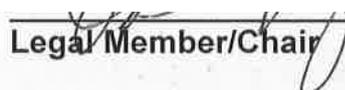
12. The Applicant is entitled to an order for payment against the Respondent in the sum of £3168.00.

Right of Appeal

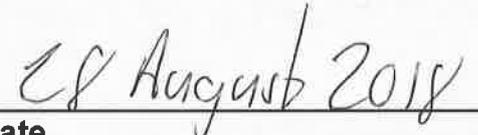
In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That

party must seek permission to appeal within 30 days of the date the decision was sent to them.

GRAHAM HARDING



Legal Member/Chair



Date