



**Statement of 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/19/1572**

**Re: Property at 12/4 Loganlea Terrace, Edinburgh, EH7 6NT (“the Property”)**

**Parties**

**Mr Edward Lamb, c/o Beveridge and Kellas Solicitors, 52 Leithe Walk , Edinburgh, EH7 6NT (“the Applicant”)**

**Miss Kerry Anne Glasgow, 12/4 Loganlea Terrace, Edinburgh, EH7 6NT (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is in breach of the tenancy agreement with the Applicant and has failed to pay rent. The Tribunal accordingly has decided to make an order for payment in the sum of THREE THOUSAND SIX HUNDRED AND THIRTY NINE POUNDS AND SEVENTY THREE PENCE (£3639.73) STERLING. **The order for payment will be issued to the Applicant after expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

**Background**

1. By application dated 22 May 2019 the Applicant’s solicitor applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears against the Respondent relating to a tenancy at the Property.

2. On 12 July 2019, the Tribunal accepted the application under Rule 9 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
3. On 22 July 2019, the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 11 August 2019. The Tribunal advised parties on 22 July 2019 that a Case Management Discussion under Rule 17 of the Regulations would proceed on 2 September 2019. This paperwork was served on the Respondent by Keith Morrison, Sheriff Officer, Dunbar on 23 July 2019 and the certificate of execution of service was received by the Tribunal administration.
4. The Respondent did not make any written representations by 11 August 2019.

### **Case Management Discussion**

5. The Tribunal proceeded with the Case Management Discussion on 9 May 2019. The Applicant was represented by Miss Harrison from Beveridge and Kellas, solicitors. The Applicant appeared personally. The Respondent did not appear and was not represented.
6. The Tribunal had before it a Short Assured Tenancy Agreement between the Applicant and the Respondent signed and dated 22 January 2007 together with various bank statements and statements from Edinburgh City Council.
7. The Tribunal noted that in terms of the Short Assured Tenancy Agreement dated 22 January 2007, the Respondent agreed to pay monthly rent of £585 to the Applicant on the 22nd of each month. At the point of lodging the application with the Tribunal the arrears were £3639.73. Miss Harrison explained that no payment had been made and that the arrears had increased by another £1170 since the application was lodged.
8. Miss Harrison referred to the statements from Edinburgh City Council from November 2018 and explained the Respondent had been in receipt of partial Housing Benefit which had been paid direct to the Applicant. The Respondent had paid the shortfall between the Housing Benefit and the rent until October 2018. She stopped payment in November 2018. Housing Benefit stopped in March 2019. The Tribunal noted the rent statement showing how the arrears had so accrued. In the circumstances, Miss Harrison sought an order for payment.

### **Findings In Fact**

9. The Applicant and the Respondent agreed by way of a Short Assured Tenancy Agreement dated 22 July 2007 in relation to the Property that the Respondent would pay the Applicant a calendar monthly rent of £585 due on 22nd of each month.
10. The Respondent has fallen into arrears of rent. The last payment to account was in February 2019 when £274.69 was paid by way of partial Housing Benefit. The Respondent has made no payments of rent since.
11. The arrears as at 22 May 2019, the date of application were £3639.73.

### **Reasons For Decision**

12. The Tribunal was satisfied on the basis of the tenancy agreement, the rent statement and the statements from Edinburgh City Council showing the Housing Benefit payments and the supporting oral submissions made on behalf of the Applicant that the Respondent was in arrears of rent of the sum sought in the application.

### **Decision**

13. The Tribunal granted the Order for payment.

### **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.**

**Shirley Evans**

**Shirley Evans**

**Legal Member/Chair**

**2 September 2019**

**Date**