



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/22/1471

Re: Property at 8 Glencairn Road, Paisley, PA3 4LR (“the Property”)

Parties:

O'Brien Properties Limited, O'Brien Properties, 4-5 Gleneagles Court, Brighton Road, Crawley (“the Applicant”)

Miss Amanda Hosie, Mr Grant Urie, 8 Glencairn Road, Paisley, PA3 4LR (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondents for £3740.00 (THREE THOUSAND SEVEN HUNDRED AND FORTY POUNDS)

Background

1. An application was received by the Housing and Property Chamber dated 17th May 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 8th August 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 22nd September 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 29th August 2022.
3. On 9th August 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondents by letterbox service and first

class post. This was evidenced by Certificate of Intimation dated 9th August 2022.

4. The case was conjoined with case FTS/HPC/EV/22/1470

The Case Management Discussion

5. A CMD was held on 22nd September 2022 at 10am by teleconferencing. The Applicant was not present but was represented by Mr Ian Troy, Pennylane Homes Renfrew. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
6. Mr Troy informed the Tribunal that the Respondent last paid on 8th April 2022 which was for £100 but that there have been no payments since. The arrears have increased to £5090. In May, Mr Troy contacted the DWP to get Universal Credit payments made directly to the Applicant. He was called by the First Named Respondent's caseworker. He then followed this call up with an email but has heard nothing since and has received no direct payments. There have been no offers of payment. Mr Troy believes that the First Named Respondent is a full time mother and is not working. At the reference check point at the start of the tenancy it was noted that only the Second Named Respondent was working. The Second Named Respondent has left the Property.
7. Mr Troy said that a visit to the Property was undertaken in August 2022. The First Named Respondent was contacted in advance of the visit. It was presumed from this visit that the First Named Respondent had left the Property as there were very few items in the Property. There remained a sofa and two beds. One of the beds was an adult's bed and one a child's bed. The adult's bed was covered with a sheet. There was no food in the kitchen cupboards. There was no TV. Mr Troy contacted the First Named Applicant by text message. She replied on 8th August 2022 and said that she was still living in the Property as she had nowhere else to go. A second visit was undertaken two weeks prior to the CMD. The Property was found to be in the exact same condition as it had been on the previous visit. The same sheet was still on the double bed. Mr Troy tried to contact the First Named Respondent by text message but she has not responded to these messages.
8. The Tribunal considered that the Applicant was entitled to the order for payment of £3740.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 17th July 2022. The rent charge is £450 per month. The rent payments are due to be paid on 17th day of each month.

10. There are no outstanding Universal Credit issues.

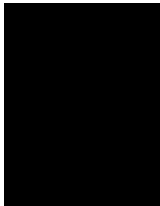
11. The amount sought in the application is £3740. There are no payments being made and arrears continue to increase. The current arrears are £5090.

Decision

12. The Tribunal found that the Applicant is entitled to be granted an order for payment for £3740.00

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.



22nd September 2022

Legal Member/Chair

Date