



**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/21/1208

**Re: Property at 30 DEERHILL, DECHMONT, BROXBURN, WEST LOTHIAN,
EH52 6LY (“the Property”)**

Parties:

**Mrs JANE HEWIE, 87 FOXKNOWE PLACE, ELIBURN, LIVINGSTON, EH45 6TY
 (“the Applicant”)**

**MR SCOTT DAVIE, MS JULIEANN STEEDMAN, UNKNOWN, UNKNOWN,
UNKNOWN, UNKNOWN (“the Respondent”)**

Tribunal Members:

Gabrielle Miller (Legal Member) and Elaine Munroe (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 is
granted from the Respondents to the amount of £6852.24 (SIX THOUSAND
FIVE HUNDRED AND FIFTY TWO POUNDS AND TWENTY FOUR PENCE).**

Background

1. This case should be read in conjunction with FTS/HPC/EV/21/1207.
2. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £6852.24 in terms of s16 of the Housing (Scotland) Act 2014.
3. Service by Advertisement on the Respondents was undertaken from 11th August 2021 until 14th September 2021.

4. The Applicant had originally sought £5052.24. However, during the process the arrears increased and the Applicant's representative amended the amount sought to £6852.24.

Case Management Discussion

5. A CMD was held on 14th September 2022 at 10am by teleconferencing. The Applicant was present. Her husband, Mr Hewie was also present. She was represented by Ms Nicola Caldwell, paralegal, TC Young solicitors. 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. Ms Caldwell informed the Tribunal that the as at 5th September 2021 the arrears had risen to £7452.24. This was included with in the most recent rent statement. The Tribunal was not able to increase the amount sought as there had not been sufficient time from intimation to the CMD. Ms Caldwell noted that she was seeking interest at a rate of the Tribunal's choosing.
7. Mr Hewie told the Tribunal that the last contact with the Respondents was within the last 3-4 weeks. Mr Hewie had contacted the Respondents as water was leaking from the overflow pipe which was affecting both the Property and the neighbouring property. The Respondents said that they would allow the repair but in exchange for £200 to reconnect the electricity meter. Mr Hewie turned the water off 2-3 weeks ago to save from the Property being damaged from the water and also to protect the neighbours property which could also have been damaged. He said from a visual inspection through the window he could see that everything in the Property was still in the same place as it had been some weeks before. He has also checked with the neighbours and they have not seen the Respondents in some time. Mr Hewie told the Tribunal that the Respondents asked for £2000 for the return of the keys. This was not paid to the Respondents.
8. Ms Caldwell told the Tribunal that Housing Benefit had been in payment. It was being paid at £525.29 then increased to £598.35. Direct payments were applied for from the local council. The Applicant's bank details were changed with the local council. This was not done at the Applicant's request. Both the local council's fraud department and the police have investigated it. The outcome has not been reported to the Applicant. In December 2020 the local council confirmed that Housing Benefit had been stopped all together.
9. Ms Caldwell also said that the Applicant has significant health conditions that have been exacerbated through the stress of the situation.

Findings in Fact

10. The parties entered into an assured tenancy on 6th November 2017. The rent payments of £600 are due by the 5th day of each month.

11. The Housing and Property Chamber received an Application dated 18th May 2021.
12. The Respondents have persistently not made rent payments. There have been more than 3 missed payments. The amount outstanding has risen to £7452.24 which is beyond that which was sought in the application.
13. There has been payment of Housing Benefit. There are no outstanding Housing Benefit issues. Housing Benefit ceased in December 2020.
14. The arrears due to the Applicant amounts to £6852.24.

Reasons for Decision

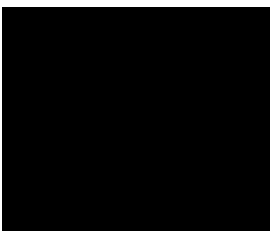
15. The Respondents have failed to make payment of the rent lawfully due in terms of the lease between the parties. The Tribunal was satisfied that there were no other issues of reasonableness before them. The Tribunal decided that the Respondents had persistently not paid the rent and were in arrears. As a consequence the Applicant was entitled to be granted the Order for payment of £6852.24. The Tribunal was not satisfied that it was appropriate to add interest on to the sum due. The lease did not state that it was to be included and the Tribunal did not find grounds to add it to the amount sought.

Decision

16. The Applicant is entitled to for an order of payment of £6852.24 by the Respondents. The Order was granted against the Respondents.

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.



14th September 2021

Legal Member/Chair

Date