



**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/22/3008

**Re: Property at 9 Skateraw Cottages, Dunbar, East Lothian, EH42 1QR (“the
Property”)**

Parties:

**Mrs Elizabeth Mortimer, Mr George Mortimer, 8 Skateraw Cottages, Dunbar, East
Lothian, EH42 1QR (“the Applicants”)**

**Ms Amy Crozier, 9 Skateraw Cottages, Dunbar, East Lothian, EH42 1QR (“the
Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicants are entitled to an Order for payment
in the sum of £1,299.09.**

Background

1. The Applicants submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 20 September 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicants on 23 September 2022. The Tribunal intimated the application to the parties by letter of 29 November 2022 and advised them of the date, time and conference call details

of today's case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 20 December 2022. No written representations were received.

The case management discussion ("CMD")

4. Mr Mortimer joined the CMD, representing himself and his wife. The case management discussion took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/22/3007. Although the tenancy agreement provides for rent being paid at the rate of £320 per month, the Applicants reduced the rental charge to £300 per month in September 2015 as a gesture of goodwill. Since the application was submitted, the housing element from universal credit has increased to £300 per month and that has covered the ongoing rental charge. In addition, the Applicants have received a payment of £9 per week which has been deducted directly from the Respondent's benefits. The effect of these payments has been to reduce the rent arrears to £1,299.09. The Applicants moved for an order to be granted for this reduced sum.

Findings in Fact

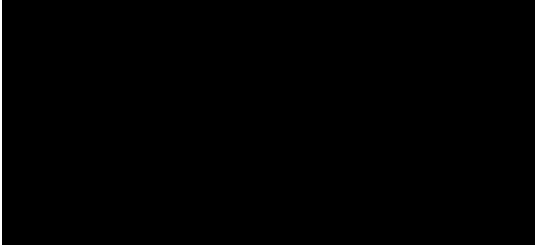
5. The parties entered into a short assured tenancy which commenced 9 June 2013.
6. Rent was initially payable by the Respondent at the rate of £320 per month, in advance.
7. The rental charge was reduced to £300 per month from September 2015 to date.
8. The Respondent has incurred rent arrears totalling £1,299.09.

Reason for Decision

9. The Tribunal proceeded on the basis of the written documents which were before it. The Applicants produced a rent statement setting out rental charges, payments made and a running total of rent arrears. The Applicants provided details of the current level of arrears. The Respondent failed to submit any written representations and failed to take part in the case management discussion. There was nothing before the Tribunal challenging or disputing any of the evidence before it. There was nothing to indicate that the Respondent disputed the level of rent arrears as set out in the rent statement.

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.



Legal Member/Chair

24 January 2023
Date