



**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/18/0659

Re: Property at 153 Leith Walk, Dundee, DD2 4JP (“the Property”)

Parties:

Livy Limited, 12 Middlebank Crescent, Dunfermline, KY11 8LS (“the Applicant”)

Miss Kayleigh Andrea Stewart, 153 Leith Walk, Dundee, DD2 4JP (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Outcome

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order for payment should be granted in the sum of £1,416.98.

Background

The Applicant submitted an application seeking an order for payment from the Respondent in the sum of £1,416.98. That sum related to arrears of rent arising from the tenancy agreement between the parties in respect of the property at 153 Leith Walk, Dundee, DD2 4JP. The Tribunal intimated the application to the Respondent on 20th April 2018 and advised her of the date, time and place of today’s case management discussion. In that letter, the Respondent was advised that any written representations she wished to make should be sent to the Tribunal by 15th May 2018. No written representations were received by the Tribunal. The Respondent was also told that she required to attend the case management discussion and was 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 Case Management Discussion

This case was dealt with alongside case under chamber reference FTS/HPC/EV/18/0657. The Applicant was represented by Iain Macrae, Solicitor. The Respondent was absent. The Application states that the Applicant seeks an order for payment in the sum of £1,416.98 in respect of unpaid rent. Mr Macrae advised the Tribunal that no further payments have been made to the rent account since 5th March 2018. He advised that the local authority are seeking to clawback some of the housing benefit payments which have been made and therefore the sum due by the Respondent is in fact likely to increase. However, the Applicant restricts its claim for payment to the sum reflected on the rent statement which has been produced.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 16th August 2017. The period of the tenancy was from 1st September 2017 to 1st March 2018.
2. The rent payable was £450 per calendar month, payable in advance.
3. The rent statement lodged shows rent arrears due as at 5th March 2018 amounted to £1416.98.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it and the submissions made by the Applicant's solicitor. The Applicant's solicitor invited the Tribunal to make the Order sought. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The Tribunal was satisfied that the sums sought by the Applicant are due and therefore the Order was granted.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper

Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

N Irvine

Legal Member/Chair

22.05.2018

Date