



**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/18/2899

Re: Property at 33/6 Craigentenny Road, Edinburgh, EH7 6NB (“the Property”)

Parties:

Ms Rebecca Venters, 206 Dean Road, Bo'ness, Falkirk, EH51 0HH (“the Applicant”)

Miss Samantha Gowers, 33/6 Craigentenny Road, Edinburgh, EH7 6NB (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay to the Applicant the sum of Three Thousand, Three Hundred and Sixty One Pounds and Fifty Pence (£3361.50) Sterling.

Background

1. This is an application under section 16 of the Act and Rule 70 of the Procedure Rules for payment by the Respondent in respect of rental arrears. The Application related to the property at 33/6 Craigentenny Road, Edinburgh, Eh67 6NB.
2. In support of the application the Applicant had submitted;
 - a) A copy of the Short Assured Tenancy Agreement between the parties dated 17 December 2015
 - b) A rental statement dated 24 October 2018 showing a balance due of £3269.40

Procedural History

This matter called as a Case Management Discussion on 8 January 2019 in George House, George Street, Edinburgh. The Applicant was represented at that time by Ms Swanson of Messrs TC Young Solicitors. The Respondent was present at this Discussion but was not represented. At that time the Respondent had indicated that there was an outstanding Housing Benefit claim, and that this claim included an application in respect of the arrears of rent. In these circumstances a full Hearing was fixed for 8 March 2019.

The Hearing

1. At the Hearing the Applicant was not present but was represented by Ms Morrison of Messrs TC Young, Solicitors. The Respondent was personally present at this Hearing.
2. On behalf of the Applicant, Ms Morrison moved that the Order be granted in the sum of £3361.50. In support of this Application Ms Morrison lodged a further statement showing that the amount due in respect of arrears was now in the aforementioned sum of £3361.50.
3. The Respondent indicated to the Tribunal that whilst her current rent was being paid by the Council in the form of Housing Benefit, that she had been advised that she would not be entitled to receive any further sums from the Council in respect of the arrears of rental which had accrued. The Respondent thereafter confirmed that as she remained in receipt of benefits that she was unable to make any proposals in respect of the outstanding arrears of rent.

Findings in Fact

1. The parties entered into a Short Assured Tenancy on 17 December 2015. The monthly rent in respect of the subjects was in the sum of £650 per calendar month.
2. As at the date of the Hearing the rental arrears were in the sum of £3361.50.
3. That the arrears of rent were not due to any delay or failure in payment of a relevant benefit and that as at the date of the Hearing that there was no outstanding claim in respect of these arrears.

Reasons for Decision

The Tribunal considered the relevant evidence, both in terms of the written submission made by the parties and also the oral submissions made at the Hearing, and noted that the sum of £3361.50 remained outstanding in respect of arrears of rent. The Tribunal was satisfied on the basis of the information which had been

placed before it that it had been established that the sum now sought by the Applicant was due, and as such was satisfied that the Order should be granted as sought. The decision of the Tribunal was unanimous in this regard.

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.

C.Dunipace

Legal Member/Chair

8/3/19

Date

*Insert or Delete as required