

Decision on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to an Assured Tenancy under Rule 70 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/20/1652

Re: G/L, 317 Clepington Road, Dundee, DD3 8DB("the Property")

Parties:

John Street Scotland Ltd, 1 Faraday Court, Faraday Street, Dundee, DD2 3UD ('the Applicants')

Ms Joanne McDonald, G/L, 317 Clepington Road, Dundee, DD3 8DB ('the Respondent')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal')

Tribunal Member: Jacqui Taylor (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment would be issued requiring the Respondent to pay the Applicants the sum of £4540.16.

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £4175.16 being the sum outstanding as at 23rd July 2020. The application explained that the parties entered into a Tenancy Agreement on 28th April 2015. The monthly rent was £365. The Tenant has failed to pay the full monthly rent due. As of 23rd July 2020 the Tenant is in Rent Arrears of £4175.16.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicant were:

2.1 A copy of the Tenancy Agreement.

2.2 A copy of a rent statement for the period 21st April 2016 to 23rd July 2020 which showed that the outstanding rent as 23rd July 2020 amounts to £4175.16.

2.3 A copy of a rent statement for the period 21st April 2016 to 21st August 2020 which showed that the outstanding rent as 21st August 2020 amounts to £4540.16.

3. Case Management Discussion

This case called for a conference call Case management Discussion (CMD) at 14.00 on 8th October 2020.

The Applicants did not attend but their representative Stephen Forsyth, solicitor attended on their behalf.

The Respondent did not attend but her representative Rebecca Menzies, Dundee North Law Centre attended on her behalf.

No written responses had been received from the Respondent.

4. The Tribunal identified with the parties' representatives the following facts:

4.1 The Applicant is the Landlord of the Property.

4.2 The Respondent is Tenant of the Property in terms of the Short Assured Tenancy between the parties.

4.3 The term of the Tenancy was from 22nd August 2017 to 21st February 2018 and monthly thereafter.

4.5 The rent due in terms of the tenancy was £365 per month.

4.6 The Tenant had not made any rent payments since 13th November 2019 and the arrears as at 23rd September 2020 amount to £4540.16.

5. Requirements of Section 70 of the Procedure Rules.

5.1 In connection with the requirements of section 70 the application correctly detailed the requirements of section 70(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicant.
- (ii) the name and address of the Respondents.
- (iii) the reason for making the application.

5.2 The application had been accompanied by the documents specified in **Section 70(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statements of rent arrears.

6. Application to Increase the sum sought.

The Applicant's representative sent the Tribunal an email dated 24th September 2020 requesting the sum sought be increased to £4540.16. They provided an updated rent statement and confirmed that a copy of the email would be sent to the Respondent.

7. Oral representations.

Ms Menzies, on behalf of the Respondent confirmed that she did not oppose the application and her client did not wish to make a Time to Pay Application.

8. Decision

8.1 The Tribunal found that the Respondent was contractually due to pay the rent due.

8.2 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £4540.16.

8.3 The Tribunal determined that the outstanding rent due by the Respondent amounted to £4540.16 and accordingly they issued an Order for Payment in this sum.

9. 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.

Jacqueline
Taylor

..... **Legal Member**

8th October 2020