

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/21/1255

Re: Property at 11B Bridge Street, Dunfermline, Fife, KY12 8AQ (“the Property”)

Parties:

DFL Homes Limited, 28 The Picture House, Cheapside, Reading, RG1 7AJ (“the Applicant”)

Mr Carl Jones, 11B Bridge Street, Dunfermline, Fife, KY12 8AQ (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application should be allowed to be amended by increasing the sum claimed to £5,200; thereafter the Tribunal determined that the Respondent is liable to make payment to the Applicant in the sum of FIVE THOUSAND TWO HUNDRED POUNDS (£5,200) STERLING

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference on 20 July 2021. The Applicant was represented by Ms McKenzie. The Respondent was neither present nor represented at the CMD.
2. In this Application, the Applicant seeks payment from the Respondent of a sum allegedly due by the Respondent in respect of Rent Arrears for the period 8 January 2020 until 8 May 2021. By email dated 13 July 2021, the Applicant’s representative wrote to the Tribunal to intimate an intention to seek amendment of the Application by increasing the sum claimed in rent arrears from £4,200 to £5,200, to take account of additional rent arrears which

had accrued in June and July 2021. The Applicant's Representative separately wrote to the Respondent by email to intimate the intention to make that motion. The Tribunal was satisfied that intimation of the intended motion had been given to the Respondent and he had received ample opportunity to oppose it. He had not intimated any opposition to the motion. The Tribunal therefore allowed the Application to be amended.

3. Thereafter, the Applicant's Representative invited the Tribunal to grant an order for payment of £5,200.
4. In terms of Rule 17(4) of the Tribunal Rules of Procedure, the Tribunal is empowered to do anything at a Case Management Discussion that it may do at a Hearing, including make a decision. In terms of Rule 2 of the Tribunal Rules of Procedure, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a decision. The overriding objective includes, amongst other things, the need to determine applications without delay.
5. The Respondent has been afforded an opportunity to attend at the CMD and dispute the allegations against him as set out in the Application. He has chosen not to avail himself of that opportunity. The Tribunal therefore concludes that the allegations set out in the Application as amended are not in dispute. It follows that the Tribunal is satisfied that the Respondent is under contractual obligation to make payment to the Applicant in the sum of £5,200, which sum represents rent arrears accrued during the period 8 January 2020 until 13 July 2021. The Tribunal therefore granted an order for payment.

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.

A Upton

20 July 2021

Legal Member/Chair

Date