



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/CV/21/3111

Re: Property at 134A Albion Street, Coatbridge, ML5 3SB (“the Property”)

Parties:

Mr Deodat Chataroo, 50 Old Monkland Road, Coatbridge, ML5 5EB (“the Applicant”)

Mr Robert Restrict, 134A Albion Street, Coatbridge, ML5 3SB (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):

Sum of FOUR THOUSAND SEVEN HUNDRED AND NINETY-FOUR POUNDS AND TWELVE PENCE (£4,794.12) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 25 February 2022 by conference call. The Applicant was personally present, alongside his wife, Mrs Chateroo. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 21 January 2022. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/21/2199 was heard at the same time.
4. The Applicant moved for the order for payment to be granted in the increased sum of £6,594.12. The parties had entered into a Private Residential Tenancy Agreement in terms of which the monthly rent was £450. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £4,794.12. No further rent had been paid thereafter.
5. The Applicant had emailed the Tribunal administration on 23 February 2022 seeking to increase the sum sought by a further £1800. Rule 14A requires that such an application be done no later than 14 days prior to the CMD and further that there shall be intimation on the Respondent of the amendment application. No intimation had been made on the Respondent, nor had the amendment application been submitted 14 days prior to the CMD. Furthermore, the Applicant advised that the £1800 increase was comprised of rent due for January, February, March and April 2022. The only rent which had contractually fallen due by the date of the CMD was for January and February. The Tribunal did not consider it reasonable to grant the Applicant’s amendment application even in part, without any intimation on the Respondent, and accordingly the amendment application was refused.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 21 December 2020;
2. In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £450 to the Applicant;
3. The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £4,794.12.

- Reasons for Decision

The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £450 per month under Clause 8 of the Agreement and had failed to do so. He had accrued

arrears amounting to £4,794.12 and which fell lawfully due to be repaid to the Applicant.

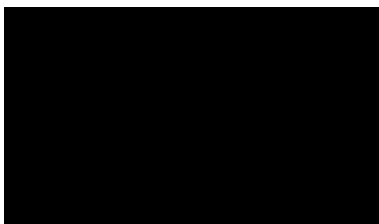
- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FOUR THOUSAND SEVEN HUNDRED AND NINETY-FOUR POUNDS AND TWELVE PENCE (£4,794.12) STERLING

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

Date: 25 February 2022