



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/22/0062

Re: Property at 2 Fraser Place, Keith, Aberdeenshire, AB55 5EB (“the Property”)

Parties:

Mrs Una Geddes, Mr Gilbert Geddes, Nether Corskie Croft, Dunecht, Aberdeenshire, AB32 7EL (“the Applicants”)

Ms Kelly Dunton, Mr Dale McDonald, 2 Fraser Place, Keith, Aberdeenshire, AB55 5EB (“the Respondents”)

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 Respondents are liable to make payment to the Applicants in the sum of FOUR THOUSAND SIX HUNDRED AND TWENTY EIGHT POUNDS AND TWENTY THREE PENCE (£4,628.23) STERLING

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 5 April 2022. The Applicants were represented by Mr Duffile, solicitor. The Respondents were neither present nor represented.
2. In this Application, the Applicants seek a payment order. They assert that they are the landlords, and the Respondents the tenants, of the Property. They claim that the Respondents have fallen into rent arrears, which accounts for the sum claimed for.
3. On 14 March 2022, the Applicants wrote to the Tribunal with an updated rent schedule and an application to amend the sum claimed for in the Application

by increasing it to the sum of £4,628.23, and amending the paper apart attached to the Application to specify that the period of the arrears was from 1 August 2019 until 14 March 2022. A copy of that application to amend was intimated to the Respondents. No objection to that application has been received. The request was received more than fourteen days prior to the Case Management Discussion, as required by Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”). For all of those reasons, the Tribunal allowed the Application to be amended.

4. In terms of Rule 17(4) of the Rules, 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, the Tribunal is required when making a decision to have regard to the overriding objective to deal with proceedings justly, including the need to avoid unnecessary delay.
5. The Respondents have been afforded an opportunity to attend the Case Management Discussion to object to the Application, but they have chosen not to do so. In the circumstances, it does not appear that the allegations made against them in the Application are in dispute. That being the case, and having regard to the overriding objective, the Tribunal was satisfied that the Respondents are under contractual obligation to make payment to the Applicants in the sum of £4,628.23, being rent arrears accrued in respect of the period 1 August 2019 until 14 March 2022. The Tribunal granted an order for payment in that sum.

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.

Andrew Upton

Legal Member: Andrew Upton

Date: 5 April 2022