



**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/22/3619

**Re: Property at 33 - 3 - 2 Top Floor Combie Street, Oban, PA34 4HS (“the
Property”)**

Parties:

**Mr Finlay John j Carmichael, 14 Creag Bhan Village, Oban, PA34 4BF (“the
Applicant”)**

**Mr Ian George Adam, 33 2 Top Floor Combie Street, Oban, PA34 4HS (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be made.**

Background

The Applicant lodged an application on 3rd October 2022 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of rent arrears in the amount of £1875.

Lodged with the Application were:

1. Private Residential Tenancy commencing 15th September 2021 with rent of £465 per calendar month
2. Rent Statement showing arrears of rent of £1875 as at 1st October 2022

The Tribunal processed the application and there is a Notice of Acceptance dated 1st December 2022. The case was placed on hold pending the Applicant submitting some further information in relation to the accompanying eviction action, FTS/HPC/EV/22/3617.

On 16th January 2023 the Applicant's agent lodged further documentation including a new Form F and a new rent statement. This was placed on the case file, but no request to amend the sum sought, in terms of Rule 14A of the Tribunal's rules was made.

The Application was served on the Respondent by Sheriff Officer on 15th February 2023.

Case Management Discussion

The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented Miss Richardson of West Property. The Respondent did not attend and was not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Miss Richardson explained that the Respondent had abandoned the property and sought the full amount of outstanding arrears. The Chairperson explained that the application she was dealing with was the one dated 3rd October 2022 and which had been accepted by the Tribunal on 1st December 2022. She explained that the Applicant had to make an application to amend the sum sought using Rule 14A of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of procedure 2017 as amended by The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2018.

The Chairperson decided to continue the CMD to allow the Applicant's agent to make an application under Rule 14A to amend the sum sought.

On 24th March 2023 the Applicant's Representative sent an email to the Tribunal seeking to amend the sum sued for to £3435, and also included a rent statement. The Tribunal administration forwarded the email to the Respondent.

Continued Case Management Discussion

The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented Miss McMurchie of West Property. The Respondent did not attend and was not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Miss Richardson sought a payment order in the amount of £3435.

Findings in Fact

1. The parties entered in to a tenancy agreement for rent of the property commencing 15th September 2021 with rent of £465 per calendar month;
2. The Respondent abandoned the property on 13th January 2023;
3. The rent arrears owed are £3435.

Reasons for Decision

The Respondent owes rent to the Applicant in the amount of £3435.

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

Date: 22/05/2023