



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 under Section 71 of the Housing (Scotland) Act 2014 (“the Act”) and Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/23/0459

Re: Property at 27c Pine Crescent, Johnstone, Renfrewshire, PA5 0BX (“the Property”)

Parties:

Mr Simon Coppinger, 7 Redruth Street, Manchester, M14 7PX (“the Applicant”) per his agents Guardian Lettings & Sales Limited 6 Tullis Street, Glasgow, G40 1HN (“the Applicant’s Agents”)

Miss Kayleigh Fraser, 27c Pine Crescent, Johnstone, Renfrewshire, PA5 0BX (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that determined that an Order for payment of FIVE THOUSAND AND SEVENTY SIX POUNDS AND TWENTY SIX PENCE (£5,076.26) sterling.

Background

1. By application received between 13 February 2023 and 19 April 2023 (“the Application”), the Applicant’s Agents on behalf of the Applicant applied to the Tribunal for a payment order requiring the Respondent to make payment of all outstanding rent due by her. The Application comprised a copy of a short assured tenancy agreement between the Parties, copy statements of rent due and owing by the Respondent since 2011 showing arrears of £3,461.06 and copy correspondence between the Applicant’s Agents and the Respondent in respect of arrangements to pay the arrears of rent and in satisfaction of the pre-action requirements.
2. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 7 July 2023 at 11,30 by telephone conference. This CMD was intimated to the Parties, and, in particular, was served on the Respondent by Sheriff Officer on 6 June 2023.

CMD

3. The CMD took place on 29 June 2023 at 14.00 by telephone conference by telephone. The Applicant did not take part and was represented by Mr. S. Girdwood of the Applicant's Agents. The Respondent did not take part and was not represented. She did not submit written representations.
4. Mr. Girdwood advised the Tribunal that as far as he was aware the Respondent continued to reside at the Property and that the rent now due and owing by her is £5,076.26, which sum continues to rise, and which is the sum sought at the date of the CMD.
5. The Tribunal noted that the Application form intimates that an order for all current due is sought and so took the view that the Applicant had been made aware that the sum noted in the Application would increase if the rent due increased.

Findings in Fact

6. From the Application and the CMD, the Tribunal made the following findings in fact,:-
 - i) There is a tenancy of the Property between the Parties;
 - ii) The Respondent has accrued rent arrears since 2014 and the sum currently due and owing is £5,076.26;
 - iii) The Applicant has carried out the correct statutory procedures and is entitled to an Order for £5,076.26.

Decision and reasons for the decision

7. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" Having found in fact that the Respondent is due and owing to the Applicant for the sum of £5,076.26, the Tribunal proceeded to make an order for payment in this 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.

Legal Member/Chair

7 July 2023
Date