



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

Chamber Ref: FTS/HPC/CV/20/0808

Re: Property at 1 Alloa Road, Carron, FK2 8EJ (“the Property”)

Parties:

Arlene Harrison, Mr David Harrison, C/O RGM Solicitors, 9 La Porte Precinct, Grangemouth, FK3 8AZ (“the Applicant”) per their agents C/O RGM Solicitors, 9 La Porte Precinct, Grangemouth, FK3 8AZ (“the Applicant’s Agents”)

Mr Ewan Dick, Ms Emma Bryce, 1 Alloa Road, Carron, FK2 8EJ (“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”) granted an Order for FOUR THOUSAND SIX HUNDRED (£4,600.00) (Sterling)

Background

1. By application received between 6 March 2020 and 6 May 2020 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent due arising from a private residential tenancy agreement between the Parties. The Application comprised an application form, copy private residential tenancy agreement showing a monthly rent of £460.00 and statements of rent due and paid showing rent arrears amounting to £2,300 at that time.

2. On 26 May 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 19 August 2020 at 14.00 by telephone conference call.

First CMD

3. The CMD took place on 19 August 2020 at 14.00. There was some confusion in respect of service or intimation of the CMD. The Applicant’s Agent appeared following contact by the Chamber administration. The Respondent could not be contacted and did not take part. The outcome of that CMD was that it was continued for intimation on both Parties and for an update rent statement to be submitted by or on behalf of the Applicant. The amount claimed was formally amended to £4,600.00 by the Applicant’s Agent.

Second CMD

4. A second CMD was fixed for 8 October 2020 at 14.00 by telephone conference call and was intimated to both Parties.
5. Prior to that CMD the Applicant’s Agents submitted an updated rent statement showing rent amounting to £4,600.00 due and owing as at 1 August 2020, with the last payment made by the Respondent being on 1 October 2019.
6. The CMD took place on 8 October 2020 at 14.00. The Applicant was represented by Ms. Waiss of the Applicant’s Agents who that the sum of £4,600.00 remains due and owing and that no further payments have been made by the Respondent.

Findings of the Tribunal.

7. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There is a private residential tenancy agreement between the Parties which began on 11 April 2019;
 - ii) The monthly rent is £460.00 payable;
 - iii) The Respondent last paid rent on 1 October 2019;
 - iv) Rent amounting to £4,600.00 is due and owing the Respondent to the Applicant.

Decision of the Tribunal and Reasons for the Decision.

8. Having found the sum of £4,600.00 is due and owing, 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” and so proceeded to make an order for payment with interest as requested.

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.

8 October 2020

Karen Moore (Legal Member)