



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/20/1193

Re: Property at 53 Glencoats Drive, Paisley PA3 1RP (“the Property”)

Parties:

Mr Alan Glass, c/o GMH Accountants, 140 St James Business centre, 29 Linwood Road, Paisley PA3 3AT, per Mr David Lang, c/o GMH Accountants aforesaid (“the Applicant”)

Miss Ashley Freeman, residing at the property (“the Respondent”)

Tribunal Member:

David Preston (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 by the respondent to the applicant of the sum of SIX THOUSAND FIVE HUNDRED AND TWENTY THREE POUNDS AND EIGHT PENCE (£6523.08) should be made.

Background:

1. By application dated 20 May 2020 the applicant applied for an order for payment in respect of arrears of rent amounting to £4123.08.
2. The papers before the tribunal comprised: Tenancy Agreement dated 30 November 2016; and rent statements covering the period to 6 September 2020 showing arrears to that date of £6523.08.
3. By Decision dated 9 July 2020 a Convener of HPC having delegated power for the purpose, referred the application to the tribunal under rule 9 of the Rules. A letter of intimation dated 18 August 2020, with Notice of the Case Management Discussion (CMD) to be held 15 September 2020 at 11.30 am were served on the respondent conform to Certificate of Service dated 25 August 2020.

Case Management Discussion

4. On 15 September 2020 at 11.30 Mr David Lang attended the tribunal by telephone on behalf of the applicant. The respondent neither appeared nor was represented by 11.35.
5. Mr Lang advised that the applicant was now seeking the sum of £6523.08 as the respondent had paid no further rent since the date of the application. He said that the full arrears up to 6 September 2020 had been intimated to the respondent by email on 10 September 2020. After a short adjournment of the CMD, Mr Lang provided a copy of his email of 10 September 2020 to the respondent advising of the arrears up to 6 September as per the rent statement to that date.
6. Mr Lang further advised that the applicant had been told by a neighbour that the respondent had vacated the property and the applicant had been able to recover it and change the locks. No further arrears would therefore accrue.

Reasons for Decision:

7. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
8. The tribunal was satisfied that the amended application and notice of the CMD had been validly served on the respondent and that the evidence demonstrated that the arrears of rent amounted to the amended sum sought being arrears up to 6 September 2020 and accordingly determined to issue the order for payment.

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.

David Preston

20 September 2020