



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/22/3267

Re: Property at 10 North Bridge Street Lane, Bathgate, EH48 4PR (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Mrs Karen Aitken, 10 North Bridge Street Lane, Bathgate, EH48 4PR (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £10,110.00.

Background

By application, received by the Tribunal on 7 September 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £10,110.00. The Applicant also sought interest on that sum at 5.75% from the date of the Order until payment.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 16 July 2014 at a rent of £510 per month. The Applicant also provided a Rent Statement showing arrears as at 1 August 2022 of £10,110.00. The Rent Statement indicated a number of rent increases during the tenancy and that the Respondent had paid these increased sums, so must be assumed to have accepted the rent increases. The rent at the date of the application was £580 per month.

On 22 November 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 13 December 2022. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 9 January 2023. Neither Party was present or represented.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal noted that the Parties were not present or represented, but that the Respondent had not made any written representations contesting the amount sought. Accordingly, the Tribunal decided to grant the application for an Order for Payment. The Tribunal refused the request for interest on the sum sought.

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.

George Clark

Legal Member/Chair

9 January 2023
Date