



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) Act 2016

Chamber Ref: FTS/HPC/CV/23/3028

Re: Property at 53F Longrow, Campbeltown, Argyll, PA28 6ER (“the Property”)

Parties:

Real Estate Wealth Development Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)

Mr Kevin McCallum, 53F Longrow, Campbeltown, Argyll, PA28 6ER (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of SIX THOUSAND TWO HUNDRED AND THIRTY-THREE POUNDS AND TWO PENCE (£6,233.02) STERLING.

Statement of Reasons

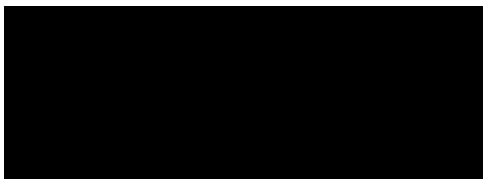
1. This Application called for its Case Management Discussion by teleconference call on 12 December 2023 alongside the related Application EV/23/3031. The Applicant was represented by Mr Rennie, trainee solicitor. The Respondent was neither present nor represented.
2. In this Application, the Applicant seeks payment of what it says are rent arrears. By email dated 24 November 2023, the Applicant’s Representative applied to amend the sum claimed by increasing it from £5,330.49 to £6,233.02 under Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”). No objection to that

application to amend has been received. The Tribunal therefore allowed the amendment.

3. Thereafter, Mr Rennie invited the Tribunal to grant the payment order in the sum of £6,233.02. He explained that, although the PRT presented with the Application suggested that the rent was £375 per calendar month, the parties had subsequently agreed that rent would be paid weekly at a rate of £84.23, which was a sum which is slightly less than would be due under the contractual term. The arrears related to non-payment of the weekly rent for the period from 2 June 2022 until 2 November 2023. Mr Rennie founded upon a rent account statement showing the accrual of rent arrears during that period.
4. In terms of Rule 17(4) of the Rules, the Tribunal has the power to do anything at a CMD that it may do at a Hearing, including make a decision. In terms of Rule 2, when making a decision the Tribunal must have regard to the overriding objective to deal with proceedings justly, including by avoiding unnecessary delay.
5. The Respondent has had an opportunity to oppose the Application, either by lodging written representations in opposition or by attending the CMD to dispute the contents of the application. He has chosen not to do either. In the circumstances, the Tribunal is satisfied that the assertions made by the Applicant in the Application as amended are not in dispute.
6. Accordingly, the Tribunal is satisfied that the Respondent is in rent arrears, and is liable to make payment to the Applicant in the sum of £6,233.02. The Tribunal granted the payment order in that 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

13th December 2023

Date