



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/23/1034

Re: Property at 130 Summerpark Road, Dumfries, DG1 3FU (“the Property”)

Parties:

Dumfries and Galloway Homes Limited, Huntingdon, 27 Moffat Road, Dumfries, DG1 1NN (“the Applicants”)

Mrs Paula Chambers, Mr Robert Chambers, 130 Summerpark Road, Dumfries, DG1 3FU (“the Respondents”)

Tribunal Members:

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

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondents to the Applicants of the sum of £3,364.79.

Background

By application, dated 28 March 2023, the Applicants sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicants. The sum sought was £3,403.19.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 21 February 2019 at a monthly rent of £499.56, and a Rent Statement showing arrears as at 3 March 2023 of £3,403.19.

On 19 June 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondents were invited to make written representations by 10 July 2023. The Respondents did not make any written representations to the Tribunal.

On 10 July 2023, the Applicants sought to amend the application to increase the amount sought to £4,202.51.

First Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 31 July 2023. The Applicants were represented by Ms Kirstie Donnelly of TC Young LLP, solicitors, Glasgow. The Respondents were not present or represented.

The Applicant's representative told the Tribunal that a lump sum payment of £3,000 had been paid by the Respondents within the past week and that the arrears now stand at £1,202.51. The Respondents had offered to pay £100 per month towards the arrears, in addition to their normal rent, starting in September 2023. As, however, they had a habit of making payment arrangements, then not complying with them, then making a last-minute lump sum payment, Ms Donnelly was instructed to seek a continuation to a further CMD to be held shortly after 21 November 2023, so that the proposed payment arrangement could be monitored. In the circumstances, she was also withdrawing the application to amend made on 10 July 2023. The Tribunal was content to agree to the request for a continuation.

Second Case Management Discussion

A second Case Management Discussion was held by means of a telephone conference call on the morning of 27 November 2023. The Applicants were again represented by Ms Kirstie Donnelly of TC Young LLP, solicitors, Glasgow. The Respondents were not present or represented. Ms Donnelly told the Tribunal that no payments had been received from the Respondents since the first Case Management Discussion and the arrears now stand at £3,364.79.

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 sufficient information and documentation to enable it to decide the application without a Hearing.

The Tribunal was satisfied that sum sought had become lawfully due by the Respondents to the Applicants.

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

27 November 2023
Date