

**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/23/4300

Re: Property at 32 Gardyne Place, Dundee, DD4 7PQ (“the Property”)

Parties:

Mr Robert Howat, 15A Douglas Terrace, Broughty Ferry, DD5 1EA (“the Applicant”)

Mr Darren Britton, 32 Gardyne Place, Dundee, DD4 7PQ (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

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 Respondent to the Applicant of the sum of £5,022.

Background

1. By application, dated 29 November 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due to him by the Respondent. The sum sought was £4,552.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Applicant and his wife, Mrs Christine Howat, as Landlords and the Respondent as Tenant, commencing on 1 March 2021 at a monthly rent of £470, and a Rent Statement showing arrears at the date of application of £4,552.

3. On 6 January 2024, the Applicant provided an updated Rent Statement and asked that the application be amended to increase the amount sought to £5,022.
4. On 12 December 2023, 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 2 January 2024. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

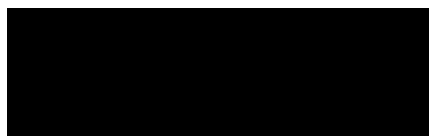
5. A Case Management Discussion was held by means of a telephone conference call on the morning of 7 February 2024. The Applicant was present. The Respondent was not present or represented.
6. The Applicant told the Tribunal that no payments of rent had been received since the date of the application and that the arrears now stand at £5,492. The Tribunal was unable to increase beyond £5,022 the amount sought, as the updated Rent Statement which the Applicant had emailed to the Tribunal on 7 February 2024 had not been cross-copied to the Respondent in time for him to have adequate notice of the Applicant's request to increase to £5,492 the amount sought.

Reasons for Decision

7. 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.
8. The Tribunal was satisfied that the sum sought in the application, amended to £5,022, had become lawfully due by the Respondent to the Applicant.

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

7 February 2024
Date