



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/23/4640

Re: Property at 18/2 Saughton Mains Terrace, Edinburgh, EH11 3NT (“the Property”)

Parties:

Mr Brian Thomson, Mrs Wendy Thomson, 10 Dunipace Road, Edinburgh, EH12 9GH (“the Applicants”)

Ms Sharon Thomson, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicants in the sum of £3,835.50.

Background

1. The Applicants submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. A letter was issued on 17 June 2024 informing the Applicants that a CMD had been assigned for 26 July 2024 at 11:30am, which was to take place by conference call. The Tribunal intimated the application to the Respondent by advertisement on the Housing and Property Chamber website on 17 June 2024.

4. On 26 July 2024 the Applicants' representative sent an email to the Tribunal, attaching an updated rent statement.

The case management discussion – 26 July 2024

5. The CMD took place by conference call. The Applicants were represented by Mrs Leanne Young. The Respondent did not take part in the conference call and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD. The Applicants' representative explained that the Applicants had recovered the Respondent's deposit and had applied that to the rent account. The Applicants' representative tried to engage the Respondent to agree a repayment plan, but the Respondent did not cooperate. The updated rent statement showed that a reduced sum of £3,835 was due. The Applicants' representative moved for an order for payment in that sum.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 31 January 2022.
7. The contractual monthly rent was £660 per month, payable in advance.
8. The Respondent owes rent arrears of £3,835.50.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. There was no material before the Tribunal to indicate that the Respondent disputed rent arrears. The Tribunal noted that the Respondent has consistently been in arrears of rent since May 2022. On the basis of the updated rent statement, the Tribunal was satisfied that the sum of £3,835.50 was due and the Tribunal granted an 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.

Nicola Irvine

Legal Member/Chair

26 July 2024
Date