



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/24/1171

Property : 35 Robert Street, Port Glasgow PA14 5RH (“Property”)

Parties:

FS Dreams Ltd, 1 Ratho Street, Greenock PA15 2BU (“Applicant”)

Corbett and Shields, 1 Ratho Street, Greenock PA15 2BU (“Applicant’s Representative”)

Patricia Arlow, 35 Robert Street, Port Glasgow PA14 5RH (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £3,500.60 should be made.

The Applicant sought an order for payment of £2,586.21 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a short assured tenancy agreement dated 1 June 2012 and a statement of rent arrears. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 28 August 2024. On 27 August 2024 the Applicant's Representative lodged an up to date statement of rent arrears which indicated arrears of £3,500.60. A copy of the up to date statement was sent to the Respondent on 6 September 2024.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 8 October 2024 by teleconference. The Applicant was represented by Annette Weston and Nicola Boag of the Applicant's Representative. There was no appearance by or on behalf of the Respondent.

Ms Weston told the Tribunal that the Respondent continued to occupy the Property. The Tribunal noted that the tenancy agreement provided for rent being payable at the rate of £360 per 4 week period but the statement of arrears lodged showed rent being

charged at £350 per month. Ms Weston checked the online system and noted that the rent had been charged at £350 per month which was an error. She explained that the rent was increased to £400 per month with effect from 1 July 2024. She said that her system indicated that the relevant rent increase notice had been issued. The Tribunal noted a charge of £1050 on the statement dated 14 February 2023. Ms Weston explained that that was the balance transferred over when the Applicant's Representative migrated from their old management system to their new one.

Ms Weston told the Tribunal that the rent had been partly covered by benefits over recent months. She said that recent attempts to contact the Respondent had not been successful. She said that an application for an eviction order was ongoing.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 1 June 2012.
2. In terms of the Tenancy agreement the rent was £360 per 4 week period.
3. The rent was charged at the rate of £350 per month in error until 1 July 2024.
4. The rent was increased to £400 per month with effect from 1 July 2024.
5. The Respondent failed to pay the rent in full for the period 1 January 2023 to 1 August 2024. The unpaid amount was £ 3,500.60.

Reasons for the Decision

The Tribunal allowed the sum claimed to be amended to £3,500.60, the increased sum claimed having been intimated to the Respondent more than 14 days before the CMD. Thereafter the Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £360 per 4 week period but had been charged at the rate of £350 per month in error until 1 July 2024. The rent was increased to £400 with effect from 1 July 2024. The Respondent failed to pay the rent in full for the period 1 January 2023 to 1 August 2024. The unpaid amount was £3,500.60.

Decision

The Tribunal grants an order for payment of £3,500.60..

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.

Joan Devine

Legal Member:

Date : 8 October 2024