



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/24/2327

Re: Property at 7 Calder Avenue, Airdrie, ML6 7QJ (“the Property”)

Parties:

Ms Laura King, West Lodge, Auchenglen Road, Carluke, Lanarkshire, ML8 5PH (“the Applicant”)

Mr Stephen McClair, 7 Calder Avenue, Airdrie, ML6 7QJ (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Mary Lyden (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 TWO THOUSAND SEVEN HUNDRED POUNDS (£2,700.00) STERLING

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 3 October 2024. The Applicant was represented by Mr Clark. The Respondent was not present or represented.
2. In this Application the Applicant seeks payment of a sum said to be due by the Respondent in rent arrears in respect of a Private Residential Tenancy of the Property. The Application seeks payment of £1,750. By email dated 5 September 2024, the Applicant sought to increase the sum claimed to £2,700 in respect of the period up to 17 August 2024. By email dated 23 September 2024, the Applicant sought to increase the sum claimed to £3,175 in respect of the period up to 17 September 2024.

3. In terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), any amendment not seeking to add a new issue must be made in writing no less than 14 days prior to any hearing of the case. The amendment sought in the email of 5 September 2024 was therefore made timeously, but the one sought in the email of 23 September 2024 was not. For that reason, the Tribunal allowed the sum claimed to be amended to £2,700 pursuant to the amendment sought in the email of 5 September 2024, but refused the amendment application in the email of 23 September 2024. Having done so, the Tribunal turned to the substance of the Application.
4. In terms of Rule 17(4), the Tribunal may do anything at a CMD that it may do at a Hearing, including make a decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a decision.
5. The Respondent received service of the Application and notification of the CMD. He has chosen not to lodge written representations or attend the CMD to dispute the allegations made against him by the Applicant. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute that he is in rent arrears, or the sum claimed for by the Applicant. In those circumstances, it is unnecessary for the case to proceed to a Hearing, which would only cause unnecessary delay in circumstances where there is no dispute.
6. For those reasons, the Tribunal determined that the Respondent is liable to the Applicant for rent arrears in the sum of £2,700 in respect of the period up to 17 August 2024. It granted a 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.

Andrew Upton

03 October 2024

Legal Member/Chair

Date

