



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/24/1662

Re: Property at 8 Selvieland Farm, Houston Road, Houston, PA6 7FG (“the Property”)

Parties:

Mr Robert Capper, Auchans Farm, Johnstone, PA6 7EE (“the Applicant”)

Mr Gerry Moran, 8 Selvieland Farm, Houston Road, Houston, PA6 7FG (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application could be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £11,700.

Background

1. By application, dated 10 April 2024, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £6,300.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 4 September 2018 at a monthly rent of £900, and a Rent Statement showing arrears at the date of application of £6,300. The Rent Statement indicated that no rent had been paid since 5 November 2023. The Applicant’s agents subsequently told the Tribunal that the arrears had risen to £8,100 in May 2024 and, prior to the Case Management Discussion, they provided an updated Rent Statement to the end of September 2024, showing arrears of £11,700.

3. On 23 August 2024, 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 13 September 2024. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 2 October 2024. The Applicant was represented by Mr Ian Anderson-Troy of Penny Lane Homes, Renfrew. The Respondent was not present or represented.
5. The Applicant's representative told the Tribunal that no payments of rent had been received since the date of the application and that the arrears now stand at £11,700.

Reasons for Decision

6. 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.
7. The Tribunal accepted the request on behalf of the Applicant to amend the application to increase the amount sought to £11,700. The Tribunal was satisfied that the sum sought in the application, as amended, 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.

G.Clark

Legal Member/Chair

Date 2 October 2024