

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/24/2624

Re: Property at 19 C Fettes Row, Edinburgh, EH3 6RH (“the Property”)

Parties:

Fiona Hutton, 579 Lanark Road West, Balerno, Edinburgh, EH14 7BL (“the Applicant”)

Celena Collins, 19 C Fettes Row, Edinburgh, EH3 6RH (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Andrew McFarlane (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 £16,339.

Background

1. By application, dated 7 June 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 £7,039, which was later increased to £8,839.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 2 June 2021 at a monthly rent of £1,800, and a Rent Statement showing arrears as at 20 April 2024 of £7,039.
3. On 20 September 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 11 October 2024.

4. On 8 October 2024, the Respondent made written submissions to the Tribunal. They related, however, to a separate application for an Eviction order, which had been conjoined with the present application. She did not dispute the arrears of rent.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 28 October 2024. The Applicant was present and was represented by Mr John Jarvie of Bannatyne Kirkwood France & Co, solicitors, Glasgow. The Respondent was not present but was represented by Mr Andrew Wilson of Edinburgh Housing Partnership and Community Help and Advice (CHAI), Edinburgh.
6. The Applicant's representative told the Tribunal that no payments of rent had been received since the date of the application. The arrears now stood at £16,339. Mr Wilson said that he had no instructions to the contrary, so did not object to the application being amended to increase the amount sought as requested by the Applicant. The Respondent was not disputing the sums due.

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, as now amended to £16,339, 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.

George Clark

Legal Member/Chair

28 October 2024
Date