



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 14 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/24/2602

Re: Property at 9 Nicolton Court, Maddiston, Falkirk, FK2 0LB (“the Property”)

Parties:

Mr Stuart Malcolm, Mrs Louise Malcolm, 27 Dundarroch Street, Larbert, Stirlingshire, FK5 3AA; 55 Kennedy Way, Airth, FK2 8GG (“the Applicants”)

Ms Margaret Blythe, 9 Nicolton Court, Maddiston, Falkirk, FK2 0LB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Frances Wood (Ordinary 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 £6,951.68.

Background

1. The Applicants submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicants sought an order for payment in the sum of £5,451.03 in respect of 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. Letters were issued on 26 September 2024 informing both parties that a CMD had been assigned for 5 November 2024 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to make written representations by 17 October 2024. No written representations were received by the Tribunal.

4. On 17 October 2024, the Tribunal received an email from the Applicants' representative, seeking to increase the sum sought to £7,451.03. An updated rent statement accompanied the email. A copy of that email was sent to the Respondent by the Tribunal on 29 October 2024.

The case management discussion – 5 November 2024

5. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/24/4544. The CMD took place by conference call. The Applicants were represented by Miss Chloe Herd, solicitor. The Respondent did not join the conference call, and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that the rent arrears had increased since the application was submitted and accordingly an amendment application was made by email on 17 October 2024. However, since that date, the Applicants have received a payment directly from the Respondent's universal credit claim in the sum of £499.35. The rent arrears now amount to £6,951.68 and an order for payment was sought in that sum.

Findings in Fact

6. The Applicants are the owners and landlords of the Property at 9 Nicolson Court, Maddiston, Falkirk, FK2 0LB
7. The Respondent is the tenant of the Property.
8. The tenancy in question is a short assured tenancy which commenced on 12 October 2015.
9. The contractual monthly rent was £500, payable in advance.
10. The Respondent owes rent arrears of £6,951.68.

Reason for Decision

11. The Tribunal proceeded on the basis of the documents lodged, and the submissions made at the CMD. The updated rent statement lodged demonstrated that there are significant arrears of rent due. There was no information before the Tribunal to suggest that the Respondent disputed the accuracy of the rent statement. The amendment application had been intimated to the Respondent. The Tribunal granted the application to amend the sum sought to £6,951.68 and granted an order for payment in that sum against the Respondent in favour of the Applicants.

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.

N Irvine

Legal Member/Chair

5 November 2024

Date