



Decision 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/24/1852

Re: Property at 38 Stormont Road, Scone, PH2 6NT (“the Property”)

Parties:

Mr Michael Hoyle, 190-0012 Tokyo, Tachikawa-shi, Akebono-cho 1-25-5, Mild Welle 302, Japan (“the Applicant”)

Ms Claire Rowan, 68 Kincardine Road, Auchterarder, PH3 1BP (“the Respondent”)

Tribunal Member:

George Clark (Legal 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 £6,635.54.

Background

1. By application, dated 23 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 £7,285.54.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 12 February 2011 at a monthly rent of £650, and a Rent Statement showing arrears as at 22 April 2024 of £7,285.54. The Applicant stated that the Respondent had vacated the Property on 3 April 2022.
3. On 29 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 19 November 2024. The Respondent did not make any written representations to the Tribunal.
4. On 9 December 2024, the Applicant’s representatives provided an updated Rent Statement showing arrears of £6,635.54, a receipt of £650 having been

made on 22 April 2024, too late to be included in the Rent Statement provided with the application. They sought to amend the application to reduce the amount sought to that sum.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 11 December 2024. The Applicant was represented by Mr Murray Hall of Premier Properties, Perth. The Respondent was not present or represented.
6. The Applicant's representative told the Tribunal that, apart from the receipt on 22 April 2024, which was the payment to the Applicant of the deposit, no payments towards the rent arrears had been received since the date of the application.

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 £6,635.54, 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

11 December 2024
Date