



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules') in relation to an application for civil proceedings in terms of Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/24/1138

Re: 15 Summer Road, East Wemyss, Fife, KY1 4QB ('the Property')

Parties:

Aitchison and Jones Limited ('the Applicant')

Miss Gray, Professional Property Letting Limited ('The Applicant's Representative')

Alan Mackechnie residing at 15 Summer Road, East Wemyss, Fife, KY1 4QB ('the Respondent')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal')

Tribunal Members: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member)

1. Background

1.1. The Applicant submitted an application to the Tribunal for civil proceedings in terms of Rule 111 of the Procedure Rules.

1.2 The application was dated 8th March 2024 and stated rent arrears totalling £3510.00 as at 8th March 2024. The rent is £360 per month. PPL took over management of the property in January 2024.

1.3 Documents lodged with the Tribunal were:-

- Private Residential Tenancy Agreement between the parties dated 13th May 2021. The commencement date of the tenancy was 27th May 2021. The rent was £360 per calendar month.
- A rent statement for the period 27th January 2022 to 27th February 2024 showing £3510 rent arrears.

2. By Notice of Acceptance by Helen Forbes, Convener of the Tribunal, dated 13th June 2024 she intimated that she had decided to refer the application (which application paperwork comprises documents received between 8th March 2024 and 27th May 2024) to a Tribunal.

3. Written Representations

The Respondent did not provide any written representations.

4. The First Case Management Discussion

This case called for a conference call Case management Discussion (CMD) at 14.00 on 6th September 2024.

The Applicant's Representative attended the CMD.

The Respondent did not attend and was not represented.

The Respondent had been served with a letter advising him of the CMD by William Wywalec, Sheriff Officer on 5th August 2024. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

4.1 Oral Submissions by Miss Gray.

Miss Gray advised the Tribunal that Mr Mackechnie had made recent rent payments. The current arrears were £3085. She agreed to provide the Tribunal with a copy of the updated rent statement. She would amend the application to update the sum sought.

4.2 Outcome of the First Case Management Discussion.

The Case Management Discussion was continued to allow time for the Applicants' Representative to amend the application and produce the up-to-date rent statement.

5. Amended Application.

The Applicants' Representative sent the Tribunal an amended application dated 19th September 2024 which sought to amend the sum sought to £3085. An updated rent statement was produced.

6. The Second Case Management Discussion

This case called for a Second conference call Case management Discussion (CMD) at 10.00 on 3rd February 2025

The Applicant's Representative attended the CMD.

The Respondent did not attend and was not represented.

The Respondent had been sent a letter advising him of the CMD dated 18th December 2024. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

6.1 Oral Submissions by Miss Gray.

Miss Gray advised the Tribunal as follows:

6.1.1 The Respondent last made a rent payment on 12th August 2024.

6.1.2 The Respondent has made no contact.

6.1.3 The Rent arrears as at 31st January 2025 amount to £4885.

6.1.4 She asked for an adjourned Case management Discussion to allow her to amend the application to update the sum sought.

7. Decision.

7.1 The Tribunal were mindful if the over riding objective to avoid delay and that the Tribunal had already been granted an adjournment. Accordingly, the Tribunal refused the Applicants' Representative's application to adjourn the Case Management Discussion. The Tribunal were satisfied that they had sufficient evidence to make a decision.

7.2 The Tribunal made the following findings in fact:

7.2.1 The Respondent is Tenant of the Property in terms of the lease between the parties.

7.2.2 The start date of the Tenancy detailed in the lease was 27th May 2021.

7.2.3 Applicants are Landlords of the Property.

7.2.4. The lease is a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

7.2.5. The rent detailed in the tenancy agreement was £360 per calendar month, payable in advance.

7.2.6 The Rent arrears as at the date of the amended application (19th September 2024) was £3085.

7.3 The Tribunal accepted the Applicants' application to amend the original application and to increase the sum sought to £3085. They determined that the Respondent was due outstanding rent to the Applicants in the sum of £3085 and accordingly they issued an Order for Payment in this sum.

8. 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.

Jacqui Taylor

..... Legal Member

3rd February 2025