

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/5166

Property : 49 Swan Street, Kirkmuirhill, Lanark, South Lanarkshire ML11 9QP ("Property")

Parties:

Catherine Fraser, 31 Laighlands Road, Bothwell G71 8AL ("Applicant")

Robert Sinclair and Jennifer Watson, 49 Swan Street, Kirkmuirhill, Lanark, South Lanarkshire ML11 9QP ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £650 should be made.

The Applicant sought an order for payment of £689 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 12 June 2022 and in terms of which the monthly rent was £650. The Application was served on the Respondent by sheriff officer on 16 April 2025. On 6 July 2025 the Applicant lodged a written representation and asked the Tribunal to allow the sum claimed to be increased to £4,250.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal on 9 July 2025 by teleconference. The Applicant was in attendance. The Respondent was not in attendance. On the morning of the CMD the Applicant lodged an amended statement of rent arrears which indicated the sum due was £6500 for the period October 2024 to July 2025.

The Applicant told the Tribunal that she had not had recent contact with the Respondent. She said that the rent had not been paid since September 2024 and that communication had stopped at that point. She said that no reason had been given for

the rent not being paid. She said that the rent had not been paid via benefits. She said that she understood both Respondents are in employment.

The Tribunal explained that the Tribunal rules of procedure require a Respondent to be given 14 days notice of an increase in the sum claimed. The Tribunal asked the Respondent why the amendment came so late. She said the delay was due to her being busy with a young family. The Tribunal noted that at the date of the application being made the arrears were £650 and not £689. The Applicant confirmed that was correct.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 12 June 2022.
2. In terms of the Tenancy agreement the rent was £650 per month.
3. The Respondent failed to pay the rent due in October 2024. The unpaid amount was £650.

Reasons for the Decision

The request to increase the sum claimed was lodged with the Tribunal on the morning of the CMD. Whilst a copy of the request could be posted to the Respondent they clearly would not receive it before the CMD. In light of that the Tribunal determined not to allow the sum claimed to be increased. The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £650 per month. The Respondent failed to pay the rent due in October 2024. The unpaid amount was £650.

Decision

The Tribunal grants an order for payment of £650.

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.

J.Devine

Date : 9 July 2025