



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/22/1463

Re: Property at 67F Dunbar Street, Aberdeen, AB24 3UA (“the Property”)

Parties:

Mr Steven Arthur, 4 North Ythsie, Tarves, Ellon, AB41 7LS (“the Applicant”)

Mr Matthew Buchan, 67F Dunbar Street, Aberdeen, AB24 3UA (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondent for £2700 (TWO THOUSAND SEVEN HUNDRED POUNDS)

Background

1. An application was received by the Housing and Property Chamber dated 10th May 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 23rd July 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 1st September 2022 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 13th August 2022.
3. On 26th July 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondents personally. This was evidenced by Certificate of Intimation dated 26th July 2022.

4. On 19th July 2022, the Applicant emailed the Housing and Property Chamber notifying that the arrears had increased to £2700. This was included in the papers served upon the Respondent on 26th July 2022.

The Case Management Discussion

5. A CMD was held 1st September 2022 at 2pm by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
6. The Applicant stated that there has been no recent offers of payment. There was an agreement entered into in February 2022. One payment of £500 was paid in March 2022 for that agreement. Since then there have been no payments made towards the ongoing rent charge or to the arrears. The current amount outstanding is £3505 this is for the period up until 18th September 2022. The Tribunal explained that the amount awarded could not be amended unless there was suitable time to notify the Respondent of any changes. The Respondent is working.
7. The Applicant believed that you could not lodge an application for eviction at the same time as an application for payment. The Applicant had wished to raise an eviction action at the same time as this application. The Tribunal told him that conjoined cases occur frequently. The Tribunal noted that the Applicant can get further advice on any future applications from a solicitor or appropriate agency. The Applicant is to seek advice in terms of an application regarding eviction and a further payment application.
8. The Tribunal was satisfied that the outstanding amount for £2700 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly. The Tribunal considered the email of 19th July 2022 was to increase the amount in the application and that the Respondent had suitable notification of that change.

Findings and reason for decision

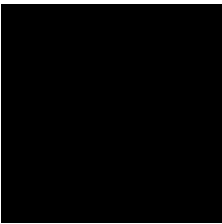
9. A Private Rented Tenancy Agreement commenced 18th October 2022.
10. The Respondent persistently has failed to pay his rent charge of £445 per month. The rent payments are due to be paid on the 18th day of each month.
11. There are no outstanding Universal Credit Housing Element issues.
12. The arrears sought total £2700. The arrears have since accrued to £3505 for the period up until 18th September 2022.

Decision

13. The Tribunal found that the Applicant is entitled to be granted an order for payment amounting to £2700.

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.



1st September 2022

Legal Member/Chair

Date