



Decision with Statement of Reasons 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/22/2354

Re: Property at 9 Crichton Terrace, Pathhead, EH37 5QZ (“the Property”)

Parties:

Ms Alison Stone, 16 Christiemiller Avenue, Edinburgh, EH7 6ST (“the Applicant”)

Mrs Melanie Whitson, Mr Thomas Whitson, 9 Crichton Terrace, Pathhead, EH37 5QZ (“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 Respondents for £4480 (FOUR THOUSAND FOUR HUNDRED AND EIGHTY POUNDS)

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £4480 in terms of s16 of the Housing (Scotland) Act 2014.
2. On 6th October 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17th November 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 27th October 2022.

3. On 10th October 2022, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 10th October 2022.
4. On 8th November 2022, the Applicant emailed the Housing and Property Chamber to say that the arrears had increased to £4480 this included a rent statement for the period 1st December 2020 to 1st November 2022. This was notified upon the Respondents.

Case Management Discussion

5. A CMD was held on 17th November 2022 at 10am by teleconferencing. The Applicant was present and represented by Ms Jacqueline Ridley, Blacklocks solicitors. The Respondents were not present and not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
6. Ms Ridley informed the Tribunal the Respondents have ceased to make payments to their rent charge since a Notice to Quit was served at the end of April/beginning of May. The Notice is currently being reserved due to a technical issue with it. There has been no contact in terms of making payments to the on going rent charge or the arrears. Ms Ridley noted that arrears have increased to £4480 as per the email of 8th November 2022.

Findings in Fact

7. The parties entered into a Short Assured Tenancy on 1st September 2014 until 1st May 2015 and on a month to month basis thereafter. The rent payments of £695 are due by the 1st day of each month.
8. The Respondents have persistently not made rent payments. There have been more than 3 missed payments. The amount outstanding has risen from £2560 in the application to £4480 as at the 1st November 2022.
9. There has been no offers of payment from the Respondents and the last payment was in April 2022.
10. The arrears due to the Applicant amounts to £4480.

Reasons for Decision

11. The Respondents have failed to make payment of the rent lawfully due in terms of the lease between the parties. The Applicant has lodged a rent statement for the period 1st December 2020 to 1st November 2022 in which payments have been missed amounting to £4480 in rent arrears. The Tribunal decided that the Respondents had persistently not paid the rent and were in arrears. As a consequence the Applicant was entitled to be granted the Order for payment of £4480 against the Respondents.

Decision

12. The Applicant is entitled to an order of payment of £4480 by the Respondents.
The Order was granted against the Respondents.

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.

G Miller

17th November 2022

Legal Member/Chair

Date