



**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/21/1591

Re: Property at 28B Crown Street, Aberdeen, AB11 6AY (“the Property”)

Parties:

Dr Lorraine Dinardo, Miss Karen Dinardo, Mr Mark Dinardo, c/o Dinardo & Partners, Mirren Court One, 119 Renfrew Road, Paisley, PA3 4EA (“the Applicants”)

Mr Brandon William Tyrone Kyle, Mr Geoffrey Scott Kyle and Mrs Christina Elisabeth Kyle, all 28B Crown Street, Aberdeen, AB11 6AY (“the Respondents”)

Tribunal Member:

George Clark (Legal Member)

Decision

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 Respondents to the Applicants of £1,450.

Background

By application, received by the Tribunal on 2 July 2021, the Applicants sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicants. The sum sought was £1,450.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties commencing on 14 January 2020 at a rent of £725 per month and a Rent Statement showing arrears as at 14 June 2021 of £3,625. The Applicants explained that they held an earlier Order made by the Tribunal in respect of arrears from 14 December 2020 to 16 April 2021 and the present application was in respect of rent that had become due between the latter date and the date of the application.

On 27 July 2021, the Tribunal advised the parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written

representations by 27 August 2021. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 30 August 2021. The Applicants, Miss Karen Dinardo and Mr Mark Dinardo, participated in the call. The Respondents all participated. The Applicants confirmed that no payments had been received since the date of the application. The Respondents said that they fully acknowledged that the sum sought was due by them. They had been unable to pay due to the impact on them of the COVID-19 restrictions, but they were doing everything in their power to sort things out. The Applicants responded that, whilst they sympathised with the position in which the Respondents found themselves, the Respondents had not paid anything at all towards the rent for more than six months, the arrears now being £5,075.

Reasons for Decision

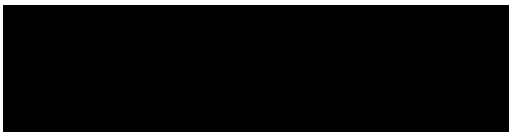
Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing. The Tribunal was satisfied the sum sought had become lawfully due by the Respondents to the Applicants. This had been acknowledged by the Respondents.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondents to the Applicants of £1,450.

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.



Legal Member/Chair

30 August 2021
Date