



**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/18/2682

**Re: Property at Flat 1/1, 14 Southbank Road, Kirkintilloch, Glasgow, G66 1NH
("the Property")**

Parties:

**Trust Enterprises Limited, 12 New Mart Road, Edinburgh, EH14 1RL ("the
Applicant")**

**Mr Ryan Wilson, Flat 1/1, 14 Southbank Road, Kirkintilloch, Glasgow, G66 1NH
("the Respondent")**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Applicant was entitled to an order for payment
by the Respondent in the sum of £2460.00**

Background

1. By Application dated 8 October 2018 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of rent arrears due by the Respondent in terms of a Short Assured Tenancy. In support of the Application the Applicants representatives T C Young, Solicitors, Glasgow submitted a copy of the Tenancy Agreement, a rent statement and a copy of a lease between Trust Housing Association Limited.
2. By notice of Acceptance dated 17 October 2018 a legal member with delegated powers accepted the application and it was referred to a Case Management Discussion.

3. Intimation of the Case Management Discussion was given to to the Applicant's representatives by post on 8 November 2018 and to the Respondent by Sheriff Officers on 9 November 2018.
4. By email dated 19 November 2018 the Applicant's representatives submitted an updated rent statement and intimated that they wished to increase the sum sued for from £2460.00 to £2950.00 in terms of Rule 13 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules")
5. No written representations were received from the Respondent.

Case Management Discussion

6. The Case Management Discussion was held at the Glasgow Tribunals Centre, 20 York Street, Glasgow on 29 November 2018. It was attended by Ms Kirsty Morrison of T C Young Solicitors on behalf of the Applicant. There was no appearance or explanation for non-appearance by the Respondent. The Case Management Discussion proceeded in the absence of the Respondent in accordance with Rule 29 of the Rules.
7. Ms Morrison commenced by moving the Tribunal to allow the amendment of the sum claimed. The legal member queried whether the Respondent was aware of the proposed amendment and it was confirmed that intimation had not been given to him by the Tribunal office. The Legal member also indicated that whilst the rules provided for amendment to a party's written representation it was doubtful that this extended to amending the sum claimed and refused to allow the sum claimed to be increased.
8. Thereafter Ms Morrison confirmed that the amount outstanding by way of rent at the commencement of the proceedings was as detailed on the rent statement accompanying the application and the Respondent had not made any payment of rent in the intervening period.
9. Ms Morrison wished the Tribunal to grant an order for payment in the sum of £2460.00.

Findings in Fact

10. The parties entered into a Short Assured Tenancy that commenced on 17 May 2015. The monthly rent was initially £470.00 and increased to £490.00 in April 2017.
11. The Respondent was in arrears of rent as at 1 October 2018 in the sum of £2460.00.

Reason for Decision

12. The Applicant produced a rent statement that showed the rent due and the rent paid by the Respondent throughout the period of his tenancy. This showed that as at the date of making the application to the Tribunal the Respondent owed rent of £2460.00. The Tribunal was satisfied that the Respondent was aware of the proceedings intimation having been given to him by Sheriff Officers and would have received a copy of the application and the rent statement.
13. The Tribunal did not accept that the application could be amended at the Case Management Discussion to increase the sum claimed in the absence of the Respondent.

Decision

14. Having considered the application and documents submitted together with the submissions made by the Applicants representative at the Case Management discussion the Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £2460.00.

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 Harding

Legal Member/Chair

Date

29th November 2018