

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/19/3781

Re: Property at 29 Overton Road, Kirkcaldy, Fife, KY1 2DX (“the Property”)

Parties:

Scotia Homes Limited, Balmacassie, Ellon, Aberdeenshire, AB41 8QR (“the Applicant”)

Mr Malcolm Milne, 29 Overton Road, Kirkcaldy, Fife, KY1 2DX (“the Respondent”)

Tribunal Members:

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 Respondent to the Applicant of the sum of £1,280.

Background

By application, received by the Tribunal on 25 November 2019, the Applicant sought an Order for Payment in respect of rent that had become lawfully due by the Respondent to the Applicant

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties for an initial period from 15 May 2015 to 14 November 2015 and month to month thereafter until terminated by either Party giving 28 days’ written notice to the other.

The application was also accompanied by a Rent Statement, showing arrears as at 14 November 2019 of £1,480.

On 17 February 2020, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 9 March 2020. The Respondent did not make any written representations to the Tribunal.

On 16 March 2020, the Applicant's representatives advised the Tribunal that the arrears now stood at £1,280.

Case Management Discussion

A Case Management Discussion was held at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy, on the afternoon of 18 March 2020. The Applicant was represented by Ms Linda Fyffe of Laurie & Co LLP, solicitors, Aberdeen. The Respondent was present and was accompanied by his father, Mr Norman Milne. The Applicant asked the Tribunal to make an Order for Payment without a Hearing, no rent having been received since 16 March 2020 when the Applicant had advised the Tribunal that the arrears were £1,280.

Reasons for Decision

Rule 17 of the First-tier Tribunal 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. 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 that the sum sought was lawfully due by the Respondent to the Applicant.

The Respondent admitted the debt and explained that the arrears related to a period of over 10 months during which he was unemployed. He was doing all he could to reduce the arrears. His father asked the Tribunal to note that the Respondent had been a model tenant and that he had, through no fault of his own, lost his job and had been unemployed for over 10 months. The arrears related entirely to that period.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,280.

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.

Mr George Clark

Legal Member/Chair

18/03/2020

Date