

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 2014.

Chamber Ref: FTS/HPC/CV/18/0209

Re: Property at Flat 23 Glenlednock Drive, Cumbernauld, Glasgow, G68 0EJ ("the Property")

Parties:

Places For People Homes Ltd, C/O Touchstone, Stanley House, Clarence Dock, Leeds, LS10 1PZ ("the Applicant")

Mr Adam Breingan, Ms Emma Goold, Flat 23 Glenlednock Drive, Cumbernauld, Glasgow, G68 0EJ ("the Respondent")

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the respondents Ms Emma Gould and Mr Adam Breingan shall make payment to the applicants Places for People Limited the sum of £2875 and accordingly makes an order for two thousand eight hundred and seventy five pounds.

This is an application in terms of Rule 70 of the First –tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 'the tribunal rules'. The application was made by Patten and Prentice solicitors on behalf of Places for People Limited, landlords of the property at Flat 23 Glenlednock Drive Cumbernauld Glasgow G68 0EJ.

The tribunal had before it the following copy documents:-

1. Application dated 24 January 2018 and received by the Tribunal on 25 January 2018.
2. Copy tenancy agreement dated 2 June 2017.
3. Rent statement detailing arrears as at 31 January 2018.

The respondents did not attend the case management discussion. The tribunal had sight of the execution of service by sheriff officers dated 26 February 2018 and was satisfied that the respondents, Ms Emma Gould and Mr Adam Breingan had received notice of the hearing and had failed to attend.

The applicants were represented by Ms Claire Mullen who appeared as local agent for Patten and Prentice solicitors.

Ms Mullen sought to lodge an updated rent account which gave the rent arrears which had accrued since the application was made. Ms Mullen also sought to amend the application in terms of Rule 13(1)(b) of the tribunal rules on the basis that the respondents were aware of the arrears and there was no prejudice to them in allowing the amendment to enable the application to reflect the full arrears of £2875. Ms Mullen also stated that the landlords had been constantly emailing and writing to the respondents to make payment of the rent and the arrears since the application was made.

The tribunal adjourned to consider this matter and decided to allow the amendment in terms of Rule 13(1)(b) on the basis that :-

1. The amendment did not raise a new issue.
2. The application stated that the applicants were seeking an order for "the sum of £1725 or such other sum as is due in the event of a hearing.

The tribunal also allowed the updated rent account to be lodged.

Ms Mullen sought an order today for the amended sum of £2875. Having adjourned to consider the matter the tribunal decided that it had sufficient information to make an order today. The tribunal was satisfied that the procedure has been fair and accordingly the tribunal made an order for payment of the rent arrears of two thousand eight hundred and seventy five pounds (£2875).

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.

Lesley Ward

Lesley Ward
Legal Member/Chair

28 March 2018
Date