

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/18/3258

Re: Property at 6/5 Loganlea Place, Edinburgh, EH7 6PB (“the Property”)

Parties:

Mr Alexander Collie, Forever Steading, Leys of Barras, Stonehaven, AB39 2UE (“the Applicant”)

Ms Helen Stewart, 6/5 Loganlea Place, Edinburgh, EH7 6PB (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,832.77.

Background

By application dated 4 December 2018, the Applicant sought an Order for Payment in the sum of £1,596.88 in respect of arrears of rent that had become lawfully due by the Respondent to the Applicant.

The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties, commencing on 1 February 2017 at a rent of £650 per month, a Notice to Quit dated 2 August 2018, requiring the Respondent to vacate the Property no later than 1 November 2018 and a rental statement showing arrears as at 1 December 2018 of £1,596.88.

A Case Management Discussion was held on 23 January 2019. The Respondent was not present or represented. The Applicant’s solicitor requested leave to amend the application to increase the sum sought to £2,182.77, as the rent for December 2018 had not been paid. The Tribunal indicated its willingness to allow such amendment but only after fair notice of the amendment being given to the Respondent and the Respondent having had an opportunity to respond if she wished

to. The matter was continued to a further Case Management Discussion, to be held on 25 February 2019 and a Direction was issued, inviting the Respondent to make any submissions on the amended sum sought no later than the date of the Case Management Discussion to be held on 25 February 2019.

The Respondent made no submissions to the Tribunal.

On 15 February 2019, the Applicant's solicitor requested by e-mail a further amendment to the application to increase the sum sought to £2,832.77, as the rent for January 2019 was now also outstanding. The request was accompanied by an updated Rent Statement showing the sum of £2,832.77 due as at 25 January 2019. This request was forwarded to the Respondent on 18 February 2019, with a reminder that the case was due to be heard on 25 February 2019.

The Case Management Discussion

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 25 February 2019. The Applicant was not present, but was represented by Leona Duff of Aberdeen Considine & Company, solicitors, Edinburgh. The Respondent was not present or represented.

The Applicant's solicitor asked the tribunal to determine the application without a hearing and to make an Order for Payment in the sum of £2,832.77.

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 and that it would make a Decision on the application without a hearing. The Tribunal was satisfied that the rent arrears now stood at £2,832.77 and that the Respondent had been given adequate notice of the request of 15 February 2019 to amend the application to increase the sum sought to that amount.

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,832.77.

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

25 February 2019
Date