



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/23/1176

Re: Property at 5D Bobbins Gate, Paisley, PA1 2NY (“the Property”)

Parties:

Dr Anne Coleman, 8 Southfield Avenue, Paisley, PA2 8BY (“the Applicant”)

Mr Andrew Scott, 5D Bobbins Gate, Paisley, PA1 2NY (“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 decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,395.

Background

1. By application, received by the Tribunal on 13 April 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,395.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 31 May 2017 at a rent of £450 per month and, if not terminated on 30 November 2027, continuing on a monthly basis until terminated by either Party giving no less than 2 months’ written notice to the other Party. The Applicant also provided a Rent Statement showing arrears as at 31 March 2023 of £1,395. The arrears being sought were in respect of payments due on 30 November 2022, 28 February 2023 and 31 March 2023. The documents with the application indicated that the rent had been increased to £465 per month on 28 February 2020.

3. On 30 May 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 20 June 2023. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 3 July 2023. The Applicant was represented by Mrs Kellie Deans of Penny Lane Homes, Johnstone. The Respondent was not present or represented. The Applicant's representative advised the Tribunal that the arrears sought had not yet been paid.

Reasons for Decision

5. 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 sufficient information and documentation to enable it to decide the application without a Hearing.
6. The Tribunal was satisfied that the sum sought was lawfully due by the Respondent to the Applicant.

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.

George Clark

Legal Member/Chair

3 July 2023
Date