

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/18/1738

Re: Property at 314 Leyland Road, Bathgate, EH48 2UA (“the Property”)

Parties:

Miss Jenny Harrison, 8 Matthews Crofts, Blackridge, Bathgate, EH48 3TJ (“the Applicant”)

Mr Christopher Wilson, 314 Leyland Road, Bathgate, EH48 2UA (“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, that the application should be granted and that an Order for payment by the Respondent to the Applicant of the sum of One Thousand Eight Hundred and Fifty Pounds (£1,850) should be made.

Background

By application, received by the Tribunal on 11 July 2016, the Applicant sought an Order for payment of £1,200. The application was accompanied by a copy of a tenancy agreement between the Parties. The commencement date of the tenancy was 8 January 2018 and the rent was £600 per month. The Applicant, by e-mails dated 10 September 2018 and 2 October 2018, sought to amend the application, to increase the amount sought to £1,850, to reflect 2 months’ further rent arrears, including an additional £50 in respect of a rent increase which came into effect on 8 October 2018 and also a payment of £600 made by the Respondent on 28 September 2018. The e-mails were cross-copied to the Respondent. The Applicant’s written representations included evidence by way of confirmation by the letting agents that the notice of increase of rent had been duly served and confirmation by the Applicant that it had not been referred to a Rent Officer or otherwise challenged. The Tribunal advised the Parties by letter dated 26 September 2018 of the date and place of a Case Management Discussion and invited the Respondent to make

written representations in advance of the Case Management Discussion. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the morning of 12 October 2018. The Applicant was present. The Respondent was neither present nor represented.

The Applicant referred to her written representations and asked for an Order to be made for the sum of £1,850, without a hearing.

Findings in Fact

- The rent due by the Respondent was initially £600 per month.
- The rent was increased with effect from 8 October 2018 to £650 per month.
- Three months' notice of the increase was given to the Respondent as required by the tenancy agreement.
- The rent increase came into effect on 8 October 2018.
- The arrears of rent now amount to £1,850.

Reasons for Decision

In terms of Regulation 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, 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 evidence that it required to make a decision and that it would do so without a hearing.

In the absence of any written or oral representations by the Respondent, the Tribunal accepted the amendments to the application which increased the amount sought from £1,200 to £1,850.

The Tribunal was satisfied that the amount sought was lawfully due from the Respondent.

Decision

The Tribunal decided to grant the application without a hearing and to make an Order for payment by the Respondent to the Applicant of the sum of £1,850.

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

12 October 2018

Date