



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/4105

Re: Property at Flat 15, 1 Waterford Road, Giffnock, Glasgow, East Renfrewshire, G46 7PJ (“the Property”)

Parties:

Mrs Agnes Brunton, 0/1 7 Kennedy Court, Braidholm Crescent, Giffnock, Glasgow, G46 6HH (“the Applicant”)

Mr Alan Cameron, Flat 15, 1 Waterford Road, Giffnock, Glasgow, East Renfrewshire, G46 7PJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £3,017.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 6 February 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 13 February 2023. The Tribunal intimated the application to the parties by letter of 17 March 2023 and advised them of the date, time and conference call details

of today's CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 7 April 2023. No written representations were received.

4. On 18 April 2023, the Tribunal received an email from the Applicant's representative, attaching an updated rent statement. The Tribunal intimated that rent statement to the Respondent on 18 April 2023.

The case management discussion

5. The CMD took place by conference call. The Applicant was represented by Mr Troy and he was joined by his colleague, Mr Canning (observer). The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/22/4104. The Applicant's representative explained that he took over the management of the tenancy in December 2022. The initial rental charge was £525 per month. However, the Applicant's former representative agreed with the Respondent in September 2022 that the monthly rental charge would increase to £550. The Applicant's representative moved to increase the sum sued for to £3,017, which is the total rent arrears due, as shown in the updated rent statement lodged. He also moved for an order for payment in that sum.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 4 January 2021.
7. The initial contractual rent was £525 per month, payable in advance.
8. The contractual rent increased to £550 per month, with effect from September 2022.
9. The Respondent has incurred rent arrears of £3,017.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to participate in the discussion and did not lodge any written submissions. The updated rent statement lodged demonstrated that there are almost 6 months' worth of rent arrears outstanding. There was nothing to indicate that the Respondent disputed the level of rent arrears shown on the updated rent statement. The Tribunal was satisfied that the sum brought out in the updated rent statement is 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

N. Irvine

Legal Member/Chair

25 April 2023

Date