



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1976

Re: Property at 113 Greenloanings, Kirkcaldy, KY2 6NL (“the Property”)

Parties:

Mr Manjeet Hayre, Mrs Tarandeep Kaur Hayre, 20 Billesdon Close, Leicester, LE3 9SH (“the Applicants”)

Ms Samatha Richmond, 113 Greenloanings, Kirkcaldy, KY2 6NL (“the Respondent”)

Tribunal Member:

Helen Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicants in the sum of £8350.

Background

1. This is an application dated 11th September 2020, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicants’ representative lodged a copy of a private residential tenancy agreement in respect of the Property which commenced on 6th August 2018, and a rent statement showing an outstanding balance of £7000 in rent arrears. The monthly rent was £575.
2. A Case Management Discussion (“CMD”) took place by telephone conference on 12th November 2020. The sum outstanding in rent arrears was £7775. Although intimation of an application to amend the sum sought had been made on the Respondent prior to the CMD, intimation had not been made upon the Tribunal. The Respondent agreed that the sum sought was due. The

CMD was continued to a further CMD to allow the lodging of an application to amend.

3. By letter dated 16th November 2020, parties were notified of a CMD set down for 7th December 2020.
4. By email dated 17th November 2020, the Applicants' representative made an application to amend the sum sought to £8350. The application was served upon the Respondent.
5. By email dated 7th December 2020 at 9.56am, the Applicants' representative presented a further rent statement showing a balance of £8450.

Case Management Discussion

6. A Case Management Discussion ("CMD") took place by telephone conference on 7th December 2020. The Applicants were not in attendance and were represented by Ms Nicola Caldwell, Paralegal. The Respondent was not in attendance.
7. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
8. Ms Caldwell explained that there was a discrepancy in the rent statement provided to the Tribunal on 17th November 2020. The actual balance outstanding was £100 more than was intimated to the Tribunal and the Respondent. As the updated rent statement, showing a balance of £8450, and an application to amend the sum sought had not been served in terms of Rule 14A, Ms Caldwell moved for an order for payment in the sum of £8350.

Findings in Fact

9.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property commencing on 6th August 2018 with a monthly rent of £575.
 - (ii) Rent lawfully due in terms of the tenancy agreement between the parties has not been paid by the Respondent.
 - (iii) The Applicants are entitled to recover rent lawfully due.

Reasons for Decision

10. The Respondent has failed to make payment of rent lawfully due. The Applicants are entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

11. An order for payment is granted in favour of the Applicants in the sum of £8350.

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.

Helen Forbes

Legal Member/Chair

7th December 2020
Date