



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/22/2054

Re: Property at 31 Robertson Road, Cupar, Fife, KY15 5YR (“the Property”)

Parties:

Mr Richard Stephen, 52 Rodd Road, Dundee, DD4 7DR (“the Applicant”)

Ms Clare Jones, Mr Frank Bell, 31 Robertson Road, Cupar, Fife, KY15 5YR (“the Respondent”)

Tribunal Member:

Karen Kirk (Legal Member) and Frances Wood (Ordinary Member)

1. Introduction

This Case Management Discussion (CMD) concerned an Application in relation to Civil Proceedings in connection with a Private Residential Tenancy under Section 16 of the Housing (Scotland) Act 2014. The CMD took place by teleconference.

2. Attendance and Representation

The Applicant was represented by David Wilkie, The Property Management company, 19 Castle street, Tayport, fife, DD6 9AE.

The Respondents were not presented or represented. The Respondents were served by Sheriff Officer on 15th September 2022. Since that date further intimation of hearings had been sent to the address by the Tribunal administration.

3. Preliminary Matters

The Applicant's representative had lodged an updated rent statement on Friday 31st March 2023. This narrated the current arrears for the property as at the date of the hearing to £2257.55. The Respondent has received notification for same and was last in contact with the Applicant's representative on this application a month ago. The Applicant's representative sought that the application be amended to £2257.55 and the Tribunal allowed same.

There were no other preliminary matters raised.

4. Summary of Discussion

The Applicant's representative sought a payment order in the sum of £2257.55. The arrears for the property were stated as at £2291.04 at the last hearing and the Applicant's representative said he was instructed to obtain a payment order for the sum of £2257.55. There was no appearance for the Respondent and no Time to Pay application had been lodged.

1. Findings in Fact

1. This Application is dated 24th June 2022 and brought in terms of Section 16 of the Housing (Scotland) Act 2014. The application had been continued previously on the motion of the Applicant to allow time for payment. The Respondents had not attended, lodged written representations or arranged representation. The Respondents were served by Sheriff Officer. The Tribunal considered in light of all the circumstances it was appropriate having regard to the overriding objective to proceed in their absence.
2. The Applicant is the heritable propriety of the property at 31 Robertson Road, Cupar, Fife, KY15 5YR.
3. The Applicant and the Respondent entered into a Private Residential Tenancy for the property on 23rd January 2015.
4. This Tenancy is an assured tenancy under the Housing (Scotland) Act 1988.
5. Rent payable under this tenancy is £700 per month.
6. As at the rent statement lodged on 31st March 2023 the rent due by the Respondent to the Applicant was £2257.55.

2. Reasons for Decision

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a valid Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make a determination at the CMD. The Tribunal was satisfied that the Respondents were in arrears of rent lawfully due and an up to date Rent Statement detailing this for the property had been lodged. In terms of Section

16 of the Housing (Scotland) Act 2014 the Tribunal granted an Order for payment for the sum of £2257.55 against the Respondents.

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.

3rd April 2023

Legal Member

Date