



Decision with Statement of Reasons 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/22/1258

Re: Property at 1 Laburnum Walk, Aberdeen, AB16 5EL (“the Property”)

Parties:

Mr Jude Obulunne, 49 Lytham Road, Urmston, M41 6NN (“the Applicant”)

Miss Marie Caroline Duncan, Mr Sean Mitchell Murison, Flat C, 8 Granton Place, Aberdeen, AB10 6QT (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are liable to make payment to the Applicant in the sum of TWO THOUSAND FIVE HUNDRED AND FIFTY POUNDS (£2,550.00) STERLING

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 4 November 2022. The Applicant was present on the call. The Respondents were neither present nor represented.
2. In this Application, the Applicant alleges that the Respondents are in rent arrears. The Applicant seeks payment of £2,550 in the Application, being arrears accrued to 19 May 2022. At the CMD, the Applicant advised the Tribunal that the arrears had, in fact, increased to £3,116. However, following a discussion about the likely need to continue consideration of the Application if a motion to amend was presented, the Applicant elected not to seek amendment at this time.

3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a decision; including the need to avoid unnecessary delay.
4. The Respondents have received service of the Application and notice of the CMD. They have chosen not to lodge written representations disputing the Applicant's assertions in the Application, or to attend the CMD to dispute those matters. The Tribunal is therefore satisfied that the contents of the Application are not in dispute.
5. That being so, the fixing of further procedure would serve no obvious purpose other than to cause delay in these proceedings. That being so, the Tribunal is satisfied that the Respondents are under a contractual obligation to make payment to the Applicant in the sum of £2,550. A payment order was granted in that sum.

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.

A Upton

04/11/2022

Legal Member/Chair

Date