



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/22/1930

Re: Property at 22 Friar Street Craigie, Perth, PH2 0ED (“the Property”)

Parties:

Mrs Elizabeth Nicoll, 5 Sutherland Crescent, Dundee, DD2 2HP (“the Applicant”)

Mrs Lee Mulvey Haworth, 22 Friar Street Craigie, Perth, PH2 0ED (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of NINE THOUSAND FOUR HUNDRED AND SIXTY FIVE POUNDS (£9,465.00) STERLING

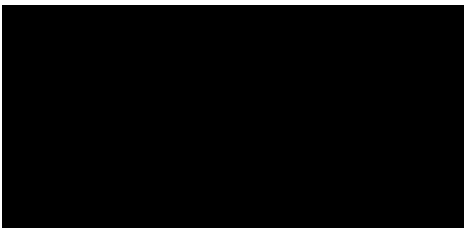
STATEMENT OF REASONS

1. This Application called for its Case Management Discussion, together with the related application CV/22/1930, by teleconference call on 26 October 2022. The Applicant was present and also represented by Mr Mellis, solicitor. The Respondent was neither present nor represented.
2. In this Application, the Applicant seeks a payment order. She says that the Respondent is in rent arrears. The arrears when the Application was lodged were said to amount to £6,840. By email dated 11 October 2022, the Applicant applied to increase the sum claimed to £9,465 to reflect further arrears since the Application was raised.

3. In terms of Rule 2 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal requires to have regard to the overriding objective to deal with proceedings justly when making any decision. That includes the need to avoid unnecessary delay. In terms of Rule 17(4), the Tribunal also has the power to do anything at a CMD that it may do at a Hearing, including make a decision.
4. In terms of Rule 14A, a party may request to amend the application, including the sum claimed, by intimating the amendment to any other party and the Tribunal at least 14 days prior to a case management discussion. The Applicant did so. Accordingly, the Tribunal was satisfied that the Application should be amended by increasing the sum sued for to £9,465.
5. Thereafter, Respondent has received notice of the Application and the CMD, but has chosen not to lodge written representations or appear at the CMD to dispute the Applicant's allegations in the Application. It is therefore the Tribunal's view that the Respondent does not dispute that she is in rent arrears, and that she is liable to make payment to the Applicant in the sum of £9,465. The Tribunal granted the order for payment accordingly.

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.



26/10/2022

Legal Member/Chair

Date