



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/20/1942

Re: Property at 11 Drumbuie Drive, Patna, KA6 7PD (“the Property”)

Parties:

Mr Colin Keenan, Mrs Laura Keenan, 16 Castleview Road, Strathaven, ML10 6HD (“the Applicants”)

Miss Louise Lyle, 11 Drumbuie Drive, Patna, KA6 7PD (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order should be granted requiring the Respondent to pay the sum of ONE THOUSAND ONE HUNDRED AND SIX POUNDS AND SEVENTY SEVEN PENCE (£1,106.77) STERLING to the Applicants

FINDINGS IN FACT

1. The Applicants are the landlords, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy.
2. The rent is £475 per calendar month.
3. At the date of making the application, the Respondent was in arrears of rent in the sum of £1,106.77.
4. The Respondent has not made any payment towards her arrears.

FINDINGS IN FACT AND LAW

1. The Respondent is under contractual obligation to make payment to the Applicants in the sum of £1,106.77.

STATEMENT OF REASONS

1. This application called for its Case Management Discussion by teleconference on 5 November 2020. The Applicants were represented by Ms McCulloch. The Respondents were neither present nor represented.
2. In this application, the Applicants seek payment from the Respondent of rent arrears. The following matters are asserted in the application and documents produced in support thereof:-
 - a. The Applicants are the landlords, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy.
 - b. The rent is £475 per calendar month.
 - c. At the date of making the application, the Respondent was in arrears of rent in the sum of £1,106.77.
3. I was told that the Respondent had not made payment towards her arrears and that, in fact, the arrears had increased though no application to amend the sum sued for was made.
4. In terms of Rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rule of Procedure, I may do anything at a Case Management Discussion that I may do at a Hearing, including make a decision. In terms of Rule 2, I must have regard to the overriding objective to deal with proceedings justly (including to deal with them expeditiously) when making a decision.
5. The Respondent has been given an opportunity to oppose this Application and dispute the Applicants' assertion that she is under contractual obligation to make payment to them of £1,106.77. She has not taken up that opportunity. I consider therefore that the facts as set out in the Application are not in dispute.
6. Accordingly, I will grant the order for payment by the Respondent to the Applicant of the sum of £1,106.77.

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.

Andrew Upton

05/11/2020

Legal Member/Chair

Date