



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/21/0675

Re: Property at 7 Brockwood Place, Blackburn, AB21 0JU (“the Property”)

Parties:

Omolara Moyosola Awobadejo and Mrs Olutoyin Awobadejo, c/o 207 - 211 Rosemount Place, Aberdeen, AB25 2XS (“the Applicant”)

Mr Lee Shirley and Ms Larissa Luopiene, 7 Brockwood Place, Blackburn, AB21 0JU (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £10,209.

Background

By application, received by the Tribunal on 16 March 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £9,050.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 10 May 2019 at a rent of £925 per month and a Rent Statement showing arrears of rent of £9,050 as at 10 March 2021. On 6 April 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion and that any written representations must be made by 27 April 2021.

On 19 April 2021, the Applicant’s agent sought leave to amend the application to increase the amount sought to £9,975 in respect of unpaid rent and to add legal fees of £234 (inclusive of VAT). The email of 19 April was accompanied by a Rent Statement showing arrears as at 10 April 2021 of £9,975, and an Invoice from Gilson

Gray LLP, Edinburgh, for £234 (inclusive of VAT) in respect of legal fees in connection with the application. The request for amendment was intimated to the Respondent by the Applicant's agent.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 6 May 2021. The Applicant was represented by Mr Scott Runciman of Gilson Gray LLP, solicitors, Edinburgh. The Respondent was neither present nor represented. The Applicant's agent confirmed that no rent had been paid since the date of the application and asked the Tribunal to accept the request for amendment, to grant the application as thus amended and to make an Order for Payment without a Hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to determine the application without a Hearing.

The Tribunal was content to accept the amendment to the application and was satisfied that the arrears of rent being sought had become lawfully due by the Respondent. The Tribunal also noted that Clause 9 of the Private Residential Tenancy Agreement between the Parties entitled the Applicant to pursue the Respondent for any reasonable costs incurred as a result of the Respondent's failure to pay rent on time. Accordingly, the Tribunal decided that the Order for Payment should include the vouched legal fees of £195 plus VAT.

Decision

The Tribunal determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £10,209.

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.

George Clark

06/05/2021

Legal Member/Chair

Date

