



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/21/0745

Re: Property at 40/9 Gardners Crescent, Edinburgh, EH3 8DG (“the Property”)

Parties:

Mrs Janice Harkness, 341 Airbles Road, Motherwell, ML1 3AW (“the Applicant”)

Mr Andrew Reynolds, 40/9 Gardners Crescent, Edinburgh, EH3 8DG (“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 decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £8,720.

Background

By application, dated 24 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 £6,540.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 17 April 2021 at a rent of £2,180 per month and a Rent Statement showing arrears as at 20 March 2021 of £6,540.

On 12 April 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 3 May 2021. The Respondent did not make any written representations to the Tribunal.

On 20 April 2021, the Applicant provided the Tribunal with an updated Rent Statement showing arrears as at that date of £8,720 and asked the Tribunal to amend the application to increase the amount sought to £8,720.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 13 May 2021. The Applicant was present and was represented by Kirsty Morrison of TC Young LLP, solicitors. The Respondent was not present or represented. The Applicant's representative told the Tribunal that no payments had been received since the date of the updated Rent Statement and asked the Tribunal to make the 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 decide the application without a Hearing.

The Tribunal was satisfied that the amount sought, as amended, had become lawfully due by the Respondent to the Applicant and that an Order for Payment should be made,

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £8,720.

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.

Legal Member: George Clark

Date: 13/05/2021