

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/22/0202

Re: Property at 24 Birchview Court, Inshes Wood, Inverness, IV2 5WA (“the Property”)

Parties:

Mr Simon Matthews and Mrs Julia Matthews, Taigh An Tursa, Tongue, Sutherland, IV27 4XJ (“the Applicants”) per their agents, McEwan Fraser Legal, Claremont House 130, East Claremont Street, Edinburgh EH7 4LB (“the Applicants’ Agents”)

Ms Fozia Siddique, residing at 30 Moorfield Street, Halifax, HX1 3AY and Adnan Abbas residing at 24 Birchview Court, Inshes Wood, Inverness, IV2 5WA (“the Respondents”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that Payment Order for FIVE THOUSAND FIVE HUNDRED AND SEVENTY FIVE POUNDS (£5,750.00) STERLING be granted

Background

1. By application dated between 24 January 2022 and 11 March 2022 (“the Application”), the first-named Applicant applied to the Tribunal for an Order requiring the Respondents to pay rent amounting to £3,050.00 due by them in terms of a tenancy at the Property. The Application comprised a copy of the tenancy agreement and a statement of rent due and owing to January 2022. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 1 June 2022 at 10.00 by telephone conference.
2. By incidental application, the Applicants’ Agents amended the sum sought to £5,750.00 and set out the contractual liability of the Respondents to pay the sum sought.

Case Management Discussion

3. The CMD took place on 1 June 2022 at 10.00 by telephone conference. The first-named Applicant took part in the CMD and was represented by Mr. Gordon of the Applicants' Agents. Both Respondents took part in the CMD and neither was represented.
4. Mr. Gordon confirmed that the sum sought is £5,750.00.
5. The Respondents confirmed and accepted that the amount of rent arrears is due and owing and the sum sought is not in dispute. The Respondent explained that the rent arrears accrued during the Covid 19 pandemic when the second-named Respondent returned to Pakistan following his father's death. They explained that the first-named Respondent does not reside at the Property and that the second-named Respondent is in receipt of state benefits. Although, the second-named Respondent offered to make an arrangement to pay the sum due, he was not able to offer payment terms which would repay the debt within a reasonable time frame.

Findings in Fact

6. From the Application and the CMDs, the Tribunal made the following findings in fact:
 - i) There is a tenancy of the Property between the Parties at a monthly rent of £675.00;
 - ii) Rent amounting to £5,750.00 is unpaid from January 2022 to date and is due and owing to the Applicants and
 - iii) The Respondents are jointly and severally liable to the Applicants in that sum.

Decision and Reasons for Decision

7. Having found the sum sought is due and owing, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" and so proceeded to make an order for payment in the sum of £5,750.00.

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.

Karen Moore

Legal Member/Chair

1 June 2022
Date