



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 and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Tribunal Rules”)

Chamber Ref: FTS/HPC/CV/22/2727

Re: Property at 3 Muirfield Steading, Gullane, EH31 2EQ (“the Property”)

Parties:

Explorer Property Limited, Culter House, Coulter, Biggar, ML12 6PZ (“the Applicant”)

Mr Liam Allan, 3 Muirfield Steading, Gullane, EH31 2EQ (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Elaine Munroe (Ordinary Member) (“the tribunal”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be made requiring the Respondent to pay the sum of Three thousand one hundred and forty five pounds (£3,145) to the Applicant.

Background

1. This is an application for payment. The application is dated 5th August 2022. The Applicant is seeking an order of payment in respect of rent arrears incurred by the Respondent. The date and time of the case management discussion was intimated to parties who were given the opportunity to make written representations and/or lodge productions.
2. The sum of money sought in the application is £3,060.84.

Preliminary Matters

3. The case management discussion was held by audio conference on 12th January 2022. Mrs Philippa Van Der Linde, director and shareholder of the Applicant was present. The Respondent was present. The Legal Member outlined the purpose of a case management discussion and the terms of Rule 17 of the Chamber Rules:

Case management discussion

17.— (1) *The First-tier Tribunal may order a case management discussion to be held—*

(a) in any place where a hearing may be held;

(b) by videoconference; or

(c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

(a) identifying the issues to be resolved;

(b) identifying what facts are agreed between the parties;

(c) raising with parties any issues it requires to be addressed;

(d) discussing what witnesses, documents and other evidence will be required;

(e) discussing whether or not a hearing is required; and

(f) discussing an application to recall a decision.

(4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision

4. Neither party had submitted written representations.

5. Prior to the case management discussion, the Applicant had submitted an updated rent statement showing the rent outstanding to be £3,145 with the calculation of rent due to 31st October 2022. Mrs Van Der Linde confirmed that this reflected the current level of rent arrears.
6. Mrs Van Der Linde indicated that she was seeking an order of payment of £3,145 and was therefore seeking for the sum craved in the application to be amended in terms of Rule 14 A of the Tribunal Rules.
7. The Respondent said that he had no issue with the accuracy of the rent statement which had been submitted and that he had sight of the updated rent statement.
8. The Respondent said that he was not contesting that he owed the sum of £3,145 to the Applicant.
9. Parties acknowledged that there was no reason for a Hearing to be fixed and that the matter could be dealt with at the case management discussion.

Documents before the tribunal

- 10.1 Copy of the private residential tenancy agreement for the Property dated 23rd October 2019 showing the commencement of the tenancy to be 1st November 2019 and the monthly rent to be £700. The tenancy agreement showed the tenants to be the Respondent and Skye Ritchie.
- 10.2 Addendum to the private residential tenancy agreement dated 12th October 2021 showing Skye Ritchie's removal as tenant and the Respondent remaining as sole tenant.
- 10.3 Rent increase notice dated 13th September 2021 showing the rent being increased to £775 per month.
- 10.4 Copy rent statement from 30th October 2019 showing the rent outstanding on 31st October 2022 to be £3,145.

Findings in Fact

11.1 The Applicant is the owner of the Property.

11.2 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 23rd October 2019.

11.3 Skye Ritchie was a tenant in terms of the Private Residential Tenancy Agreement until 12th October 2021.

11.4 The start date for the tenancy was 1st November 2019.

11.5 The initial monthly rent for the Property was £700 per month and the current rent is £775.

11.6 There are rent arrears of £3,145.

Reasons

12. The tribunal considered the terms of the private residential tenancy agreement, the addendum to it and the rent increase notice. It also considered the terms of the rent statement which disclosed the level of rent arrears of £3,145.

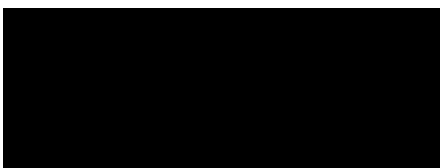
13. The tribunal noted that the Respondent accepted that he had received a copy of the rent statement and it amended the sum claimed by the Applicant to be £3,145. The amendment is in terms of Rule 14 A of the Tribunal Rules.

14. The Respondent offered no opposition to the application for an order of payment for £3,145 and accepted that he owed that sum in respect of arrears of rent.

15. The tribunal determined that there were rent arrears of £3,145 in respect of the Respondent's failure to pay rent which he was contractually obliged to pay and that it was appropriate to grant an order for payment in respect of that sum.

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.



Martin J. McAllister

Legal Member
12th January 2023