



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

Chamber Ref: FTS/HPC/CV/23/0432

Re: Property at 119 Elphinstone Crescent, East Kilbride, G75 0PR (“the Property”)

Parties:

Mr Colin English, 94 Maxwellton Avenue, East Kilbride, G74 3DY (“the Applicant”)

Mr Ronald Wright, 119 Elphinstone Crescent, East Kilbride, G75 0PR (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £1550.00 be made in favour of the Applicant.

1. Background

- 1.1 This is an application under Rule 111 of the Chamber Rules whereby the Applicant sought payment of a sum of rent allegedly outstanding. The application was accompanied by copies of the written tenancy agreement between the parties, a rent statement and messages between the parties.
- 1.2 No representations had been received from the Respondent. By way of email dated 5 June 2023, the Applicant had provided an updated rent statement which confirmed that an increased sum was now due. The Tribunal treated this as an application to amend the sum sought from the Respondent.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 16 June 2023 by way of teleconference. The Applicant attended personally. The Respondent was neither present nor represented.
- 2.2 The Applicant confirmed that he wished to proceed with the application. The Tribunal noted that intimation of the Case Management Discussion had been made to the Respondent by Sheriff Officer. Accordingly, in the absence of any explanation as to his absence, the Tribunal deemed it appropriate to proceed as permitted by Rule 29 of the Chamber Rules.
- 2.3 The Tribunal first dealt with the issue of the application to amend the sum sought. The Applicant acknowledged that this had only been sent to the Tribunal on 5 June 2023. The Tribunal considered that, irrespective of whether it was considered an application to raise a new issue or not, Rules 14 and 14A required it to be sent to the Tribunal no less than 14 days before the Case Management Discussion. Accordingly, the Tribunal refused the application.
- 2.4 The Applicant confirmed the sum sought in the original application remained outstanding. There had been no contact with the Respondent since December 2022 and no proposals for payment.

3. Reasons For Decision

- 3.1 The tenancy agreement between the parties requires the Respondent to make payment of rent of £330.00 per month. The rent statement lodged by the Applicant detailed the sums which had gone unpaid. In the absence of any reason as to why the sums sought would not be lawfully due, the Tribunal made an order for payment in favour of the Applicant.

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.

Alastair Houston

Legal Member/Chair

16 June 2023
Date