



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/21/0851

Re: Property at 10 Balvonie Green, Inverness, IV2 6GE (“the Property”)

Parties:

HHA4 LLP (Formerly Highland NHT 2014 LLP), Highland House Alliance, Fairways, Castle Heather, Inverness, IV2 5GH (“the Applicant”)

Mr John Hugh Hamilton, 10 Balvonie Green, Inverness, IV2 6GE (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicant in the sum of £7,266.06.

Background

[1] The Applicant submitted an application seeking an order for payment in the sum of £6,221.32. That sum related to arrears of rent in respect of the Respondent’s occupation of the property. The Tribunal issued a letter to the parties dated 5 May 2021 advising them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 26 May 2021. No written representations were received from the Respondent.

The Case Management Discussion

[2] The Applicant (Ms Stoddart) participated in the case management discussion and was represented by Mr Brown, solicitor. The case management discussion proceeded in the absence of the Respondent.

The Tribunal noted that there were no written representations made by the Respondent and the Tribunal was therefore unaware of the Respondent's position. The Applicant's representative advised that there has been no contact from the Respondent in many months. A rent statement was lodged with the application for payment; that statement shows that the rent arrears were £6,221.32 at the time of application. On 24 May 2021, the Applicant submitted an application to amend the sum sought to £7,266.06 to reflect the up to date balance of rent arrears. An updated rent statement was produced. The application to amend was intimated by the Tribunal to the Respondent.

The Applicant's representative sought an order for payment in the increased sum of £7,266.06.

Findings in Fact

[3]

- i. The Applicant and Second Respondent entered into a Tenancy Agreement dated 5 June 2019.
- ii. The initial monthly rent was £513.99 per month payable in advance.
- iii. The rent increased to £520.67 per month from 1 August 2020 and to £524.67 from 1 May 2021.
- iv. The Respondent incurred rent arrears amounting to £7,266.06.

Reason for Decision

[4] The Tribunal was satisfied that the Applicant had vouched the rent arrears (by reference to the rent statement). The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondent is liable to pay rent arrears and therefore granted the order for payment.

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.

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Nicola Nijje
Legal Member/Chair

Date: 03/06/2021