



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/21/0979

Re: Property at 44 Whitlees Court, Adrossan, KA22 7PD (“the Property”)

Parties:

Mr Christopher Baillie, Mr Terry Fulton, 41 Kingsdown Road, Walmer, Deal, Kent, CT14 8BN (“the Applicants”)

Miss Nicola Dudgeon, 44 Whitlees Court, Adrossan, KA22 7PD (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the sum of £2625.00 was lawfully due by the Respondent, and granted an order for payment of that sum by the Respondent to the Applicants.

Background

1. By an application dated 22nd April 2021 (“the application”), the Applicants sought an order for payment of £2625.00 from the Respondent in respect of rent arrears.
2. A copy of the application, along with a letter from the Tribunal giving details of a proposed Case Management Discussion, was served upon the Respondent by Sheriff Officers on 20th May 2021.
3. A Case Management Discussion (“CMD”) took place by teleconference on 23rd June 2021. The Applicants did not join the CMD call. They were represented at the CMD by Miss Meaghan McDiarmid, Lettings Manager, Hovepark Lettings Limited. The Applicants had previously provided written confirmation to the

Tribunal confirming that Miss McDiarmid had been authorised to represent them at the CMD.

4. The Respondent did not join the CMD call. The Respondent has not made any written representations to the Tribunal in advance of the CMD. The Respondent had been intimated with the date and time of the CMD by Sheriff Officers. The Tribunal was satisfied that the requirements of rule 24(1) of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”) had been duly complied with, and proceeded with the application in accordance with rule 29 of those Procedure Rules.
5. At the CMD the Tribunal was able to consider:
 - a. The terms of the tenancy agreement between the parties. The tenancy agreement was a Short Assured Tenancy Agreement in relation to the property. The tenancy between the parties had commenced on 3rd June 2015. The original rent due in terms of the tenancy agreement between the parties was £625.00. The Applicants’ representative confirmed to the Tribunal that the rent due in respect of the property had increased to £650.00 per month in December 2018.
 - b. Statement of rent and arrears lodged by the Applicants showing total rent arrears due by the Respondent as at 3rd April 2021 in the sum of £2625.00.
6. At the CMD the Applicants’ representative confirmed that, to the best of her knowledge, the Respondent continued to remain in occupation of the property.

Further Information:

7. The Applicants’ representative explained to the Tribunal that the Respondent had continued to accrue rent arrears. By 3rd June 2021 the rent arrears accrued by the Respondent had increased to £3425.00. The Tribunal was not able to consider granting an order for the higher amount of rent arrears due by the date of the CMD as no application had been made to amend the application to increase in advance of the CMD. The Tribunal therefore were restricted to considering the amount claimed in the application in the sum of £2625.00.
8. Under rule 17(4) of the Procedure Rules the First-Tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Applicants asked the Tribunal to grant an order for payment against the Respondent in favour of the Applicants for the sum of £2625.00 (the amount detailed in the application).

Findings in fact, and in fact and law; reasons for decision

9. The Applicant let the Property to the Respondent in terms of a written tenancy agreement which commenced on 3rd December 2015. The original rent due in terms of the tenancy agreement between the parties was £625.00 per month. That rent was increased to £650.00 per month from December 2018.
10. The Respondent has accrued arrears of rent under the terms of her tenancy agreement in relation to the property in the sum of £2625.00 as at 3rd April 2021.
11. As at the date of the CMD the sum of £2625.00 remains due and owing by the Respondent to the Applicants in respect of arrears of rent incurred by the Respondent in respect of her occupancy of the property for the period from 3 June 2015 up to, and including, 2nd May 2021.

Decision

12. The Tribunal accordingly granted an order for payment by the Respondent to the Applicant in the sum of £2625.00

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.

**Andrew Cowan
Legal Member/Chair**

**23rd June 2021
Date**