



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 (“the 2014 Act”) and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/22/0984

Re: Property at 24 Innerwood Road, Kilwinning, KA13 7DX (“the Property”)

Parties:

Mr Donald Watson, 14 Glenbervie Wynd, Irvine, KA11 4DL (“the Applicant”)

Ms Lauren Rae, 24 Innerwood Road, Kilwinning, KA13 7DX (“the Respondent”)

Tribunal Members:

Ms. Susanne L M Tanner Q.C. (Legal Member)

Ms. Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondents should pay to the Applicant the sum of TWO THOUSAND FIVE HUNDRED AND THIRTY TWO POUNDS (£2,532.00) STERLING; and made an Order for Payment in respect of the said sum.

Procedural background

1. The Applicant made an Application to the tribunal on 1 April 2022 in terms of Section 16 of the 2014 Act and Rule 70 of the 2017 Rules, seeking an order for payment against the Respondent in the sum of £1350.00 in respect of rent arrears.
2. The supporting documentation submitted by the Applicant comprised:
 - 2.1. A Short Assured Tenancy agreement; and
 - 2.2. A rent ledger showing payments and arrears.
3. The tribunal's administration obtained the Title Sheet for the Property which shows that the Applicant was registered as co-proprietor on 27 June 2008.
4. The Application was accepted for determination by the tribunal. A Case Management Discussion was fixed for 20 July 2022 at 1000h.
5. The tribunal sent letters dated 7 June 2022 to both parties with notification of the date, time and joining instructions for the CMD. The Respondent was invited to submit written representations in response to the Application by 28 June 2022.
6. Service on the Respondent of the application paperwork and CMD notification by Sheriff Officers was successful.
7. No written representations were submitted by the Respondent in advance of the CMD.
8. On 27 June 2022, the Applicant submitted an updated rent statement with rent arrears to 19 July 2022.

CMD: 20 July 2022, 1000h, teleconference

9. The Applicant attended with his wife, Karen Watson, as supporter.
10. The Respondent did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied with and proceeded with the application upon the representations of the party present, in term of Rule 29.

Applicant's submissions

11. The Applicant stated that the he was claiming the increased sum of £2532.00 which was the rent arrears to 19 July 2022, as shown on the schedule submitted on 27 June 2022.
12. The Applicant stated that the Respondent has not made any payments of rent since February 2022.

Findings-in-Fact

13. The Applicant is the joint registered proprietor of the Property.
14. In terms of a short assured tenancy agreement between the parties in respect of the Property, the start date of the tenancy was 15 November 2015.
15. Rent is payable by the Respondent to the Applicant at the rate of £450.00 per calendar month, on 25th day of each month, in advance.
16. The rent arrears which accrued from the start of the tenancy to 19 July 2022 amounted to £2532.00.
17. The Respondent has not made any payments to the Applicant in respect of rent arrears to 19 July 2022.
18. The Respondent's tenancy has continued and an order for possession was made in related proceedings on 20 July 2022.

Discussion

19. As the tribunal was satisfied that the Respondent owes £2532.00 to the Applicant by way of rent arrears to 19 July 2022, the tribunal made an Order for Payment in respect of the rent arrears in the sum of £2532.00.

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.

20 July 2022

**Ms. Susanne L M Tanner Q.C.
Legal Member/Chair**