



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/4217

Re: Property at 53G Longrow, Campbeltown, Argyll, PA28 6ER (“the Property”)

Parties:

Real Estate Wealth Development Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)

Miss Megan Pitt, 53G Longrow, Campbeltown, Argyll, PA28 6ER (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondent for £8134.46 (EIGHT THOUSAND ONE HUNDRED AND THIRTY FOUR POUNDS AND FORTY SIX PENCE)

Background

1. An application was received by the Housing and Property Chamber with email dated 23rd November 2022. The application was submitted under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments. The amount sought in the application was £5284.46.
2. The application included:-
 - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 26th August 2021;

- b. Notice to Leave dated 2nd September 2022 stating an application would not be submitted to the Tribunal before 3rd October 2022. First Class Signed for postage confirmation dated 2nd September 2022;
 - c. Section 11 notice noting proceedings would not be raised before 23rd November 2022 together with email serving up the local authority dated 22nd November 2022;
 - d. Rent statement from 26th October 202. This detailed the rent of £475 per month and arrears of £5284.46
3. On 3rd February 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 9th March 2023 at 12pm by teleconferencing. The letter also requested all written representations be submitted by 24th February 2023.
4. On 7th February 2023, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent leaving the documentation in the hands of Martin Campbell. This was evidenced by Certificate of Intimation dated 7th February 2023.
5. On 26th April 2023, the Applicant’s representative emailed the Housing and Property Chamber requesting that the amount sought be increased to £8134.46. The Applicant’s representative notified this by email on 25th April 2023 and by First Class Signed for letter. The notification included a rent statement from 26th December 2022 to 26th April 2023. This detailed the rent of £475 per month and arrears of £8134.46;
6. On 9th March 2023, the Respondent emailed the Housing and Property Chamber asking that the CMD due to be heard that day be postponed as she had been called into work. The Tribunal considered it to be in the interests of justice to postpone to allow the Respondent to attend.
7. On 14th April 2023, all parties were written to with the date for the CMD of 11th May 2023 at 10am by teleconferencing.
8. The case was conjoined with case FTS/HPC/EV/22/4214.

The Case Management Discussion

9. A CMD was held on 11th May 2023 at 10am by teleconferencing. The Applicant was represented by Mr Sean Watt, trainee solicitor, Anderson Strathern. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
10. Mr Watt informed the Tribunal that there has been no contact from the Respondent at all. The arrears have accrued further since the application to the Housing and Property Chamber. The amount sought has been amended to £8134.46. There have been no payments made. The Respondent lives in the Property on her own. There is no known Universal Credit Housing Element

issues. The Respondent is not known to have any disabilities. The Respondent is believed to still be living in the Property. She had signed for a recorded delivery letter in April 2023 that was sent from Mr Watt's firm advising on the increase to the amount sought.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 26th August 2021.
12. The Respondent persistently failed to pay her rent charge of £475 per month. The rent payments are due to be paid on 26th day of each month.
13. Arrears accrued to more than one months rent payment at the date of application and was more than three months rent payments at the date of the hearing. There have been no payments of rent made since at least October 2021.
14. A Pre Action Requirement letter was sent to the Respondent on 18th November 2022 for the conjoined case.
15. There are no known outstanding Universal Credit Housing Element issues.
16. The arrears sought totalled £8134.46. The Tribunal was satisfied that the Respondent had been aware that a higher amount was being sought in the application.

Decision

17. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £8134.46 from the Respondent.

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.

11th May 2023

Gabrielle Miller

Legal Member/Chair

Date

