



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Regulations”).

Chamber Ref: FTS/HPC/CV/21/0543

Re: Property at 31 Greenbrae Drive, Aberdeen, AB23 8NH (“the Property”)

Parties:

Mr Jonathan Banks, Mrs Linda Banks, 15 Corse Avenue, Kingswells, AB23 8NH (“the Applicants”)

**Mr Iain Craig, Miss Kaye Taylor, 31 Greenbrae Drive, Bridge of Don, Aberdeen, AB23 8NH;
 (“The First Respondents”)**

**Mr Kenneth Taylor, 1 Collieston Avenue, Bridge of Don, Aberdeen, AB22 8SE;
 31 Greenbrae Drive, Aberdeen, AB23 8NH
 (“the Second Respondent”)**

Tribunal Member:

Martin McAllister (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be made requiring the First Respondents to pay the sum of TWO THOUSAND TWO HUNDRED AND TWENTY POUNDS (£2,220) to the Applicant.

Background

- 1. This is an application under Rule 111 of the Regulations for payment of the sum of £1,320 in respect of rent arrears stated to be due by the First Respondents. The application is dated 30th March 2021. A case management discussion was held on 27th May 2021.**

2. At the case management discussion on 27th May 2021, the application was amended under Rule 14 A of the Regulations in respect of the sum being claimed. It was increased to £1,720.

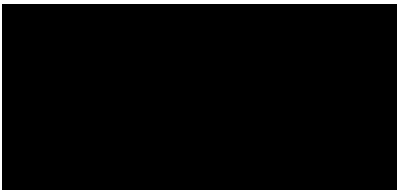
Preliminary Matters

3. The case management discussion on 6th July 2021 was conducted by conference call. Mrs Linda Banks was present but took no part in proceedings. The Applicants were represented by Mr Stuart Carnie, Lettings Director of Aberdeen Property Leasing Ltd, letting agents for the Applicants.
4. The First Respondents were both present and Mr Craig spoke on behalf of them both.
5. It was noted that the Second Respondent was not present and the Tribunal was advised that he could not attend because of health reasons. It was noted that the Second Respondent is a guarantor in respect of the obligations contained within the tenancy agreement. Mr Craig explained that Mr Taylor was the father of Miss Taylor and he disclosed certain medical issues which prevented him participating in the Tribunal proceedings.
6. The purpose of a case management discussion was explained to parties.
7. Mr Carnie said that the sum now due by the First Respondents to the Applicants was £2,220 and he was seeking to amend the application in terms of Rule 14A of the Regulations. He said that the increased sum sought had not been intimated to the respondents but that they were aware of the sum of rental arrears. Mr Craig confirmed that he accepted that the sum of £2,220 is outstanding in respect of rent arrears. He said that he had only just discovered that a payment of £900 which he thought had been made had not, in fact, been paid by his bank and he said that he intended to pay £900 after the case management discussion had concluded. He said that this would be in respect of a payment of rent of £700 and £200 towards the arrears.
8. The Tribunal allowed the Application to be amended notwithstanding the fact that formal intimation had not been made to the Respondents. Mr Craig said that he was aware of the level of arrears.

9. Mr Craig said that he and Miss Craig accept that the sum of £2,200 is due and that they had no defence to the claim. Mr Carnie submitted that the Tribunal had all the information which it would require to make an order for payment.
10. There was a discussion about the Second Respondent and, after a short adjournment, Mr Carnie said that he had taken instructions from his clients and that they were not pressing for an order of payment against Mr Kenneth Taylor. He said that, in respect of the application before the Tribunal, he was withdrawing the claim against him. It was pointed out to Mr Carnie that his withdrawal of that part of the claim did not prejudice him in making an application at some future time for an order of payment to be made against Mr Taylor.
11. The Tribunal determined that the application could be determined without an evidential hearing and made an order for payment of £2,220. In arriving at its determination, the Tribunal relied on Rules 17 and 18 of the Regulations.

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.



Martin J. McAllister
Legal Member
6th July 2021