



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/21/1058

Re: Property at 7 Crown Avenue, Flat 1/2, Clydebank, G81 3AL (“the Property”)

Parties:

Mr Roopesh Nahar, Mrs Laura Nahar, Happy Lets Limited, 1287 Argyle Street, Glasgow, G3 8TL (“the Applicants”)

Miss Nicola McGowan or Laurenson, 7 Crown Avenue, Flat 1/2, Clydebank, G81 3AL (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in favour of the Applicants in the sum of £7,800.00.

[1] Background

The Applicants submitted an application seeking an order for payment in respect of rent arrears said to have been incurred by the Respondent in respect of her occupation of the property. The Tribunal intimated the application to the parties by letter of 9 June 2021 and advised 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 30 June 2021. No written representations were received by the Tribunal.

The case management discussion

[2] The case management discussion took place by conference call. The Applicants were represented by Miss Currie and the Respondent participated in the discussion. The Respondent indicated that she has changed her surname to Laurenson. The Tribunal noted that the Applicants' representative emailed the Tribunal office on 7 July 2021, seeking to increase the sum sought to £7,800. The Applicants' representative emailed the Tribunal on the morning of the discussion, seeking to further increase the sum sought to £8,375. The Respondent had not received prior notice of the proposed increase to £8,375 and she opposed the amendment. Rule 13 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides:-

13.—(1) Subject to rule 14, a party may amend their written representations—

(a) any time up to 7 working days prior to the date fixed for a hearing; or

(b) within 7 working days prior to the date fixed for the hearing or during the hearing, with the consent of the First-tier Tribunal and on such conditions, if any, as the First-tier Tribunal thinks fit.

(2) Such amendment must—

(a) be in writing unless it is made during the hearing, in which case the terms of the amendment may be stated orally in the presence of any other party and noted by the First-tier Tribunal; and

(b) comply with any requirement in an enactment which would have applied if the amendment had been included in the application.

(3) On receipt of a written amendment, the First-tier Tribunal must intimate the amendment to the other party in writing unless the amendment was made orally during the hearing in accordance with paragraph (2)(a).

(4) In this rule "working day" means any day except a Saturday or Sunday or a bank holiday in Scotland under section 1 of the Banking and Financial Dealings Act 1971(19).

The Tribunal was not satisfied that sufficient notice had been given to the Respondent in relation to the intention to amend the sum sought to £8,375 and therefore refused the amendment. The Applicants' representative sought an order for payment in the sum of £7,800. The Respondent advised that she has suffered from significant medical conditions over the last year and consequently, has found it difficult to deal with her affairs. The Respondent applied for housing benefit which was refused. The Respondent was assisted to a point by the Applicants in applying for universal credit but was unable to

complete the application. The Respondent was unable to dispute the terms of the rent ledger which was lodged on behalf of the Applicants. The Applicants' representative relied upon the rent ledger lodged, (which shows that arrears of £7,225 were due as at May 2021) subject to the amendment to £7,800 which takes account of the rent due in June 2021.

[3] Findings in Fact

- i. The parties entered into a Tenancy Agreement dated 14 November 2019 which commenced 15 November 2019.
- ii. The rent payable was £575 per month, payable in advance.
- iii. As at June 2021, the Respondent incurred rent arrears amounting to £7,800.00.

[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent accepted that rent arrears had accrued and was unable to dispute the rent ledger lodged. The Tribunal was satisfied that the Applicants had vouched the rent arrears (by reference to the rent statement). 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.

Legal Member/Chair

15 July 2021

Date