



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/22/0331

Re: Property at 41 Meldrum Court, Dunfermline, Fife, KY11 4XR (“the Property”)

Parties:

Mrs Beverley Simpkins, 46 Fergusson Road, Dunfermline, Fife, KY11 8NA (“the Applicant”)

Mr Alan Ritchie, 21 Burns Street, Dunfermline, Fife, KY12 9EL; Lindsey Ritchie, 20 Russell Court, Dunfermline, Fife, KY11 4XW (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the First Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in favour of the Applicant in the sum of £3,509.57.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. By decision dated 23 June 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant on 28 June 2022. The Tribunal intimated the application to the Respondents by letters dated 23 July 2022 which were delivered by sheriff officer on 26 July 2022. In those letters, the Respondents were advised of the date, time and conference call details of

today's case management discussion. The Respondents 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 Respondents were invited to make written representations by 13 August 2022. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant and Second Respondent (Mrs Ritchie) were personally present on the conference call and the case management discussion proceeded in the absence of the First Respondent. The Tribunal had already had sight of the rent statement which was lodged in support of the application. The Applicant confirmed that she sought an order for payment of £3,509.57 which represented the remaining balance of rent arrears. The Second Respondent accepted that that sum was due.

Findings in Fact

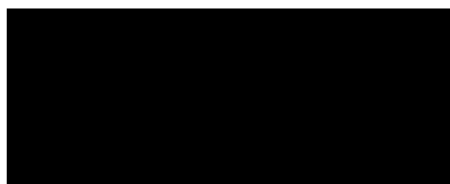
5. The parties entered into a private residential tenancy which commenced 24 March 2020.
6. Rent was due by the Respondents at the rate of £750 per month, payable in advance.
7. The level of rent arrears due by the Respondents as at the date of the case management discussion was £3,509.57.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The First Respondent failed to lodge written submissions and failed to participate in the case management discussion. The Second Respondent participated in the discussion and admitted that the sum sought is due to the Applicant. The Tribunal was satisfied that the Respondents owed the Applicant £3,509.57 and therefore granted an order for payment in that sum.

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

5 September 2022

Date