

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/22/1013

Re: Property at 92 Pathhead, New Cumnock, KA18 4DG (“the Property”)

Parties:

Mr Greg Knox, 127 Rosendale Road, London, SG21 8HE (“the Applicant”)

Miss Lynn Devlin, 92 Pathhead, New Cumnock, KA18 4DG (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Janine Green (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 in the sum of £5,413.48.

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 the sum of £5,413.48.
2. By decision dated 19 May 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’s representative on 24 May 2022. The Tribunal intimated the application to the parties by letter of 16 June 2022 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 7 July 2022. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant was represented by Mr Telfer. The case management discussion took place by conference call and proceeded in the absence of the Respondent. This case called alongside the related case which proceeds under chamber reference FTS/HPC/EV/22/1010. The Respondent is in receipt of universal credit and this year the Applicant has received the housing element of the Respondent's universal credit claim. Notwithstanding that, the Applicant's representative explained that the rent arrears due by the Respondent have increased since the application was submitted and the sum now due is £5,917.66. The Applicant's representative relied on the rent statement lodged and sought an order for payment in the sum of £5,413.48.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 8 March 2021.
6. Rent was due by the Respondent at the rate of £500 per month, in arrears.
7. The level of rent arrears due by the Respondent as at 6 April 2022 was £5,413.48.
8. Since 6 April 2022, the level of rent arrears due by the Respondent has increased.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent failed to lodge any written submissions and failed to take part in the case management discussion. There was nothing to indicate that the Respondent disputed the level of rent arrears. The Tribunal was satisfied that the Respondent owed the Applicant £5,413.48 as at 6 April 2022 and that the rent arrears have increased since that date.

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.

Nicola Irvine

Legal Member/Chair

1 August 2022

Date