



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/22/1204

Re: Property at 1 Saddlers Yard, 24 Commercial Street, Alyth, Blairgowrie, PH11 8AF (“the Property”)

Parties:

J and J Howe, Questan, Cambridge Street, Alyth, PH11 8AW (“the Applicant”)

Mr Rhys Allan, 1 Saddlers Yard, 24 Commercial Street, Alyth, Blairgowrie, PH11 8AF (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £2,711.92.

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 Respondent.
2. A case management discussion (“CMD”) took place on 9 February 2023. Reference is made to the Note issued following that CMD.
3. On 20 April 2023, the Tribunal wrote to parties advising them of the date, time and conference call details of a CMD assigned for 15 May 2023 at 10am. Parties were advised that they were required to take part in the discussion.

4. On 5 May 2023, the Tribunal received an email from the Applicant's representative attaching an updated rent statement, along with an application to amend the sum sought to £2,711.92.

The case management discussion

5. The Applicant was represented by Ms Jane McNicol, solicitor. The CMD took place by conference call and proceeded in the absence of the Respondent. The Applicant's representative explained the arrears of rent have increased since the application was submitted and now total £2,711.92. Although the arrears have increased, the level of rent arrears appears to have stabilised because the Respondent has maintained payment of rent over the last 4 months. However, the Respondent has not made any proposals to repay the arrears of rent. The Applicant's representative sent a copy of the updated rent statement to the Respondent by email of 5 May 2023. The Applicant's representative sought an order for payment in the sum £2,711.92.

Findings in Fact

6. The parties entered into a private residential tenancy agreement which commenced 1 January 2020.
7. The contractual monthly rent was £395, payable in advance.
8. The Respondent has incurred arrears of rent totalling £2,711.92.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to participate in the discussion and did not lodge any written submissions. The updated rent statement lodged demonstrated that the rent arrears have increased, albeit they appear to have stabilised. There was nothing to indicate that the Respondent disputed the level of rent arrears shown on the updated rent statement. The Tribunal was satisfied that the sum of £2,711.92 is due to the Applicant in respect of rent arrears. The amendment application had been intimated to the Respondent. The Tribunal therefore granted the application to amend the sum sued for and granted an order for payment in the sum £2,711.92.

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

15 May 2023

Date