



**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/21/2090

Re: Property at 125 Caird Street, Hamilton, ML3 0AL (“the Property”)

Parties:

Mr Alistair Laurie, 37 Cadzow Street, Hamilton, ML3 6EE (“the Applicant”)

**Miss Elaine Hutchison, 125 Caird Street, Hamilton, ML3 0AL (“the
Respondent”)**

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent pay to the applicant the sum of TWO THOUSAND POUNDS (£2000) as arrears of rent under the tenancy agreement between the parties.

Background

1. By application dated 30 August 2021 the Applicant applied to the First-tier Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the rules”).
2. The tribunal considered the following papers:
 - Short Assured Tenancy Agreement dated 15 February 2012 and Tenancy Extension dated 10 June 2017.
 - Rent Statements up to 15 August 2021.

- Emails between the parties between 9 June and 5 August 2021 re rent arrears.
 - Sheriff Officers Certificate of Execution of Service dated 7 October 2021
 - email from applicant dated 22 October 2021 seeking to amend the sum originally sought from £1200-£2000 together with rent statement to 15 October 2021.
 - Intimation of amendment to the respondent dated 22 October 2020
3. By Notice of Acceptance dated 29 September 2021 a legal member of the tribunal having delegated authority so to do referred the application to the tribunal for a Case Management Discussion (“CMD”).

The Case Management Discussion

4. Ms Heather Laurie participated by telephone on behalf of the applicant. The respondent was neither present nor represented by 1010am.
5. The tribunal noted the Execution of Service of the application upon the respondent dated 7 October 2021 and was satisfied that due notice of the CMD had been given to her. As she was neither to attend not be represented the tribunal considered that she had voluntarily waived her right to make representations and was content to proceed with the CMD.
6. The application to the tribunal sought an order for payment against the respondent in the sum of £1200 being the arrears accrued up to 15 August 2021. The email dated 22 October 2021 together with the rent statement showed that the arrears up to 15 October 2021 amounted to £2000. The tribunal was satisfied that the amendment had been intimated to the respondent and allowed the sum sought to be amended to £2000.

Findings in Fact

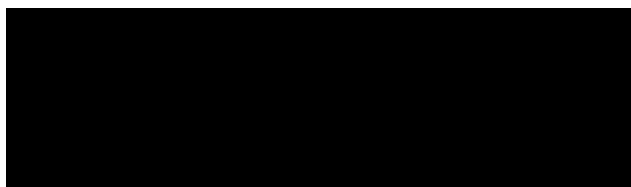
7. The parties entered into a short assured tenancy agreement dated 15 February 2012 which was extended by agreement dated 10 June 2017.
8. The rent contractually due is £400 per calendar month.
9. The rent arrears as at the date of the CMD amounted to £2000.

Reasons for Decision

10. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, to determine the application at the Case Management Discussion.
11. The tribunal is satisfied that at the date of the CMD arrears of rent totalling £2000 remained outstanding.

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.



11 November 2021