



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/PR/21/2002

Re: Property at 22 2/2, Cadzow Street, Hamilton, ML3 6DG (“the Property”)

Parties:

Mr Robert Leung, 2 Lawrie Place, Motherwell, ML1 5FP (“the Applicant”)

Miss Abby Skillin, 22 2/2, Cadzow Street, Hamilton, ML3 6DG (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The tribunal determined that the respondents pay to the applicant the sum of ONE THOUSAND SEVEN HUNDRED AND TWENTY POUNDS (£1720) being arrears of rent under the Tenancy Agreement between the parties.

Background:

1. An application under Rule 111 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”) was made on 18 August 2021.
2. The application was accompanied by: Private Residential Tenancy dated 6 June 2019; and rent statement for the period to 6 August 2021;
3. By Decision dated 1 October 2021 a Legal Member of HPC having delegated power for the purpose, referred the application under Rule 9 of the Regulations to the tribunal. A letter of Intimation with Notice of the Case Management Discussion (“CMD”) together with the application and case papers was served on the respondent by Sheriff Officers on 10 October 2021, conform to Certificate of Service by Sheriff Officer of that date.

4. The application included a sum of £480 being legal expenses. On 11 November 2021, prior to the CMD the applicant sought to amend the application to increase the rent arrears to £2263.85 and submitted an up-to-date rent statement in support.
5. The tribunal was satisfied that all relevant documents and intimation of the CMD had been duly served on the respondent in compliance with the requirements of Rule 24.

Case Management Discussion

6. Mr John Gildea appeared on behalf of the applicant. There was no appearance by or on behalf of the respondent. The tribunal was satisfied that the respondent had been given due notice of the CMD and had voluntarily elected to waive her right to be present or be represented and was content to proceed in her absence.
7. The tribunal discussed the rent statement with Mr Gildea which demonstrated to the satisfaction of the tribunal that the rent arrears up until the date of the application amounted to £1720. It noted that the sum of £480 being legal expenses was included in the claim, but no vouching had been lodged. The tribunal also noted that the email seeking to amend the application had been received by the tribunal shortly before the CMD and there had been no opportunity to intimate the proposed amendment to the respondent.
8. In the circumstances, Mr Gildea moved the tribunal to grant the application for the rent arrears as at the date of the application in the sum of £1720.

Reasons for Decision

9. 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 CMD 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 CMD.
10. The tribunal was satisfied with the information contained in the papers and as provided by Mr Gildea and determined to grant the order for payment of rent arrears up until the date of the application in the sum of £1720.

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.