



**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/18/0433

Re: Property at 7 Rowan Terrace, Cowdenbeath, KY4 9JZ (“the Property”)

Parties:

**Mr John Celentano, Mrs Irene Celentano, Old Mains Cottage, Sanquhar, DG4
6LB (“the Applicants”)**

**Mrs Bernadette Celentano or Celentano Morgan, 7 Rowan Terrace,
Cowdenbeath, KY4 9JZ (“the Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

**This matter called for a Case Management Discussion on 14 March 2019 at
11:30am in Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy, KY1 1XT.
The Applicants were not present but were represented by Ms Morton, solicitor.
There was no appearance by or on behalf of the Respondent.**

**The Applicant lodged a supplementary rent statement which appeared to
demonstrate that the arrears had increased since the Application was initially
lodged. The amount said to be outstanding was now £7,757.11. The
Application itself had sought a Payment Order in the amount of £6,125.00
being the amount of rent lawfully due and unpaid at the time of raising the
Application. No formal application had been made to amend the sum claimed.**

**The Tribunal noted that Ms Morton’s office had sought to lodge the
supplementary rent statement with the Tribunal by email dated 31 January
2019. The Tribunal however noted that this had been sent to an incorrect email
address and so had not been received by the Tribunal. The Tribunal**

considered that it was appropriate to allow the supplementary rent statement to be received at the Hearing.

The Tribunal considered that it would not be prepared to grant a Payment Order for an amount greater than the amount set out in the Application without the Respondent having been given fair notice of such an amendment. Accordingly, Ms Morton invited the Tribunal to make a Payment Order for the amount set out in the Application. The Tribunal, having considered the documentary evidence before it, concluded that the sum claimed in the Application was lawfully due by the Respondent to the Claimants in unpaid rent and accordingly made a Payment Order in the sum of £6,125.00.

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.

Mr Andrew McLaughlin

Legal Member/Chair

14/03/19

Date