

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/18/2436

Re: Property at 22 Linthouse Drive, Linthouse, Glasgow, G51 4RZ (“the Property”)

Parties:

Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET (“the Applicant”)

Mr John MacLeod, Ms Emma Martin, 22 Linthouse Drive, Linthouse, Glasgow, G51 4RZ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the amount of £7377.34 should be made.

Background

On 13th September 2018 the Applicant lodged an application for payment in connection with rent arrears.

Case Management Discussion

The Applicant was represented at the CMD by Kirsty Morrison of TC Young, Solicitors. The Respondents did not appear and were not represented.

Miss Morrison submitted a copy of the up to date rent statement to the Tribunal, showing the extent of the arrears. When the application was made the arrears stood at £6213.74. At the time of the CMD they stood at £7377.34.

Miss Morrison submitted that the Tribunal could grant the order for the increased sum as she had, in terms of Rule 13 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 made an amendment to her written representations by sending an email to the Tribunal on 25th October 2018 at least 7 working days before the hearing, intimating that she was increasing the amount if the sum she was seeking, and that the email had been sent to the respondents by the Tribunal. She sought an order for payment in the amount of £7377.34. The Tribunal accepted the amendment to the written representations.

Findings in Fact

At the date of the CMD the arrears stood at £7377.34.

Reasons for Decision

At the date of the CMD the arrears stood at £7377.34.

Decision

An order should be made for payment in the amount of £7377.34.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Alison Kelly

Legal Member/Chair

12/11/18

Date