



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/23/0640

117 Dickson Drive, Irvine, KA12 9AQ ("the Property")

Parties:

Steven Easton Residential Limited, 2 Newfield Drive, Dundonald, Kilmarnock, KA2 9EW ("the Applicant(s)")

Aynsley Barclay, Easton Holding Limited, 2 Newfield Drive, Dundonald, Kilmarnock, KA2 9EW (The Applicant's Representative')

Nicole Hutchison residing at 117 Dickson Drive, Irvine, KA12 9AQ ("the Respondent")

Alister Meek, CHAP, 71 Princes Street, Ardrossan, KA22 8DG ("the Respondent's Representative")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Members: Jacqui Taylor (Legal Member) and Sandra Brydon (Ordinary Member)

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £8365.45 being the sum outstanding as at 28th February 2023. The Application explained that the Respondent is due to pay the Applicant rent under the tenancy agreement between the parties and the Respondent has had failed in their obligation to do so.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicants were:

2.1 A copy of the Tenancy Agreement.

2.2 Rent Statement for the period 12th February 2019 to 7th March 2023 which showed rent arrears of £8365.45 as at 7th March 2023.

3. No Written Representations were lodged on behalf of the Respondent.

4. The Applicants' Representative lodged an updated rent statement on 21st April 2023 for the period 1st February 2019 to 1st April 2023 which showed rent arrears of £8650.26 as at 1st April 2023.

5. First Case Management Discussion

This case called for a conference call Case management Discussion (CMD) at 14.00 on 28th April 2023.

The Applicant's Representative and the Respondent's Representative attended the CMD.

5.1 The Applicants' Representative requested to amend the application to increase the sum claimed to £8650.26, but acknowledged that she had not made this request to the Tribunal within 14 days of the CMD and had not notified the Respondent of the amendment request, as required in terms of Tribunal Rule 14A .

5.2 The Respondent's Representative confirmed that he had received the updated rent statement that had been lodged by the Applicants' Representative on 21st April 2023 and he had discussed the updated rent statement with his client.

6. Second Case Management Discussion

This case called for a second conference call Case management Discussion (CMD) at 14.00 on 12th July 2023.

The Applicant's Representative and the Respondent's Representative attended the CMD.

6.1 The Applicants' Representative apologised as she had omitted to send an amended application to the Tribunal.

6.2 The Respondent's Representative advised that the application was not opposed and no Time to Pay application was being made.

7. Decision

7.1. Requirements of Section 111 of the Procedure Rules.

7.1.1 In connection with the requirements of section 111 the Tribunal determined that the application correctly detailed the requirements of section 111(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicant.
- (ii) the name and address of the Respondent.
- (iii) the reason for making the application.

7.1.2 The Tribunal also confirmed that the application had been accompanied by the documents specified in **Section 111(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

7.2 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £8650.26 as at 21st April 2023.

7.3 The Tribunal determined that the Respondent was due outstanding rent amounting to £8365.45 and accordingly, they issued an Order for Payment in this sum.

8. 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.

J Taylor

Legal Member

12th July 2023