Housing and Property Chamber
First-tier Tribunal for Scotland

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

Chamber Ref: FTS/HPC/CV/23/2387

Re: Property at 24/1 Dolphinstone View, Prestonpans, EH32 9QU ("the Property")

Parties:

Mr Brian Steele, Le Medics 1 Avenue, Crarnot Menton, France, 06500, France ("the Applicant")

Ms Jacquelyn Shepherd, 24/1 Dolphinstone View, Prestonpans, EH32 9QU ("the Respondent")

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £5,300.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.

2. By decision dated 7 August 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion ("CMD").

3. The Notice of Acceptance was intimated to the Applicant's representative on 10 August 2023. The Tribunal intimated the application to the parties by letter of 7 September 2023 and advised them of the date, time and conference call

details of today's case management discussion ("CMD"). In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 28 September 2023. No written representations were received.

4. On 24 September 2023, the Tribunal received an email from the Applicant's representative with an attached updated rent statement. A copy of the updated rent statement had also been sent to the Respondent.

The case management discussion

5. The CMD took place by conference call. The Applicant was represented by Mrs Jacqueline Barr. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant's representative explained that the Respondent moved out of the property on 27 September 2023. The Respondent was aware of today's CMD but made no proposals to pay the outstanding rent arrears, which now amount to £5,300. The Applicant's representative moved to increase the sum sued for and sought an order for payment against the Respondent in the increased sum of £5,300.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 21 April 2020.

7. The contractual monthly rent was £675 per month, in advance.

8. The Respondent incurred rent arrears of £5,300.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the CMD. The updated rent statement lodged discloses substantial arrears of rent due by the Respondent. There was nothing to suggest that the Respondent disputed the accuracy of the rent statement. A copy of the updated rent statement had been sent to the Respondent. The Tribunal was satisfied that the Respondent has incurred rent arrears amounting to £5,300.

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.

Nicola Irvine
Legal Member/Chair

17 October 2023
Date