

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 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/3034

Re: Property at 4/11 Essendean Terrace, Edinburgh, EH4 7HD (“the Property”)

Parties:

Mr Rhodrick Grubb, 120 Glasgow Road, Edinburgh, EH28 8PR (“the Applicant”)

Miss Kerry Beaton, 4/11 Essendean Terrace, Edinburgh, EH4 7HD (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a request to amend the application should be granted, that the application, as amended, should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £4,541.97.

Background

By application, received by the Tribunal on 9 November 2018, the Applicant sought an Order for Payment of the sum of £3,322.62 in respect of arrears of rent that had become lawfully due by the Respondent to the Applicant.

The application was accompanied by a copy of a Short Assured Tenancy Agreement, commencing on 6 January 2017 at a rent of £675 per month and a Tenancy Statement of Rent showing arrears as at 9 November 2018 of £3,322.62. On 22 January 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations to the Tribunal by 8 February 2019. The Respondent made no written representations.

The Case Management Discussion

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the morning of 13 February 2019. The Applicant was not present, but was represented by Graham Little, Property Manager of Pure Property Management Edinburgh Limited. The Respondent was not present or represented.

The Applicant's representative confirmed that the arrears of rent remained outstanding and sought leave to amend the application to increase the sum sought to £4,541.97, in terms of an updated Tenant Statement to 12 February 2019, which he provided at the Case Management Discussion. He told the Tribunal that the Respondent had vacated the Property on 30 January 2019 and that he had no forwarding address for her. He asked the Tribunal to make the Order without a hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal Housing and Property Chamber (Procedure) Regulations 2017 states that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would decide the application without a hearing.

The Tribunal was prepared to grant the request to amend the application to increase the sum sought to £4,541.97, as the Respondent had not made any written representations to the Tribunal disputing the amount sought in the application and was not present or represented at the Case Management Discussion to contest the further sum sought in respect of rent for December 2018 and rent to 30 January 2019, the date on which the Respondent had vacated the Property.

The Tribunal was satisfied that the sum sought in the application, as amended, represented arrears of rent that had become lawfully due by the Respondent to the Applicant.

Decision

The Tribunal determined that the application, as amended, should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £4,541.97.

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 George Clark

Legal Member/Chair

13 February 2019

Date

