



Decision and 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/18/1719

Re: Property at 41 Spoolers Road, Paisley, PA1 2UL (“the Property”)

Parties:

Places for People Homes Limited, c/o Touchstone, Stanley House, Clarence Dock, Leeds, LS10 1PZ (“the Applicant”)

Ms Katie O'Dowd, 41 Spoolers Road, Paisley, PA1 2UL (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant of the sum of

This is a case management discussion ‘CMD’ regarding an application in terms of Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the tribunal rules’. The application was made on behalf of the applicant, Places for People Limited, the landlords of the property at 41 Spoolers Road Paisley PA1 2UL, by Patten and Prentice Solicitors on the 9 June 2018. The tribunal had before it the following copy documents:

1. Application dated 6 July 2018 and received by the Tribunal on 9 July 2018.
2. Tenancy agreement dated 19 January 2016 for the initial term of 19 January 2016 until 18 January 2017..
3. Rent statement detailing arrears to 1 July 2018.
4. Execution of service of the application and notification of hearing by sheriff officer on 1 September 2018.

Lesley Ward

Case management discussion

Ms Caldwell of TC Young Solicitors attended today's case management CMD as local agents for Patten and Prentice Solicitors. There was no appearance by the respondent. The tribunal had sight of the sheriff officer's execution of service which confirmed that the papers and notification of today's CMD was given to the respondent on 11 September 2018. The tribunal was satisfied that rule 24 had been complied with and proceeded with the CMD in terms of rule 29.

The tribunal noted that the rental payment in the tenancy agreement was £360 but the application refers to payment of £370. Ms Caldwell produced a copy letter sent by the applicant's agents to the respondent on 21 December 2017 advising that the rent was to increase from £360 to £370 on 1 February 2018.

Ms Caldwell stated that she was seeking an order for payment of the current arrears of £3359.86. She lodged an up to date rent statement for this amount. She also drew the tribunal's attention to the application which was for "£2249.86 or such other sum as is due as at the date of nay hearing to follow hereon". She sought to amend the application to include this increased sum in terms of rule 13 although in her submission this is not perhaps required given the wording of the application.

Findings in fact

The tribunal finds in fact:

1. The applicants are the owners and landlords of the property at 41 Spoolers Place Paisley PA1 2UL.
2. The applicants entered into a short assured tenancy with the respondent in January 2016 for an initial period of one year and thereafter on a calendar monthly basis.
3. The monthly rent of £360 increased in February 2018 to £370.
4. The rent arrears as at today's date are £3359.86,

Reasons

This is an undefended application for payment in response to rent arrears. The tribunal held a joint CMD for this application and a second application terms of rule 65 involving the same parties for possession on ground 8, 11 and 12. The application was undefended. The tribunal is satisfied that effective service of the application and notification of today's hearing on the respondent has been carried out. The tribunal proceeded to hear the application in terms of rule 29. The tribunal is satisfied that the procedure has been fair and that there is sufficient information before the tribunal to enable a decision to be made. The tribunal allowed amendment

of the application to the up dated sum of £3359.86. The tribunal noted the terms of the rent accounts lodged and granted an order for payment of this sum sought of £3359.86.

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.

Lesley Ward

Lesley A Ward Legal Member

Date: 3 October 2018