

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/19/3209

Re: Property at 128a Albion Street, Coatbridge, ML5 3SB (“the Property”)

Parties:

Mr Lendrick Gillies, 132 St John's Road, Edinburgh, EH12 8AX (“the Applicant”)

Miss Kellyanne Shields, 128a Albion Street, Coatbridge, ML5 3SB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in the 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 the sum of £1,700.

Background

The Applicant submitted an application seeking an order for payment in respect of arrears of rent relating to the Respondent's tenancy of the property at 128a Albion Street, Coatbridge. A case management discussion took place on 5th December 2019 and reference is made to the notes from that case management discussion. The Tribunal issued a letter to parties dated 11th December 2019 and advised them of the date, time and place of today's case management discussion. In that letter, the Respondent was told that she required to attend the hearing and was 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 Applicant's representative sent a letter to the Respondent on 11th December 2019 enclosing an up to date rent statement and advising that the rent arrears

amounted to £1,700. That letter was hand delivered and sent to the Respondent by recorded delivery post.

The Case Management Discussion

The Applicant was represented by Mr Paul Clark. He advised that the arrears now amount to £2,125. He advised that the Respondent has not made payment of rent since October 2019. The Applicant sought an order for payment in the sum of £1,700.

Findings in Fact

1. The Respondent entered into a Tenancy Agreement in respect of the property dated 20th January 2018.
2. The rent payable was £425 per month, payable in advance.
3. The Respondent has accrued rent arrears of £1,700 as at 11th December 2019.
4. The Applicant is entitled to the Order sought for payment in the sum of £1,700 in respect of rent arrears.

Reason for Decision

The Applicant has produced documentation which shows that the rent arrears amounted to £2,125 at the date of today's case management discussion. It was accepted that the Respondent has had notice that the Applicant would ask for an order for payment in the sum of £1,700. The Tribunal was satisfied that the Respondent has had notice of the up to date rent statement and therefore proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

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.


Legal Member/Chair

16th January 2020
Date