

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) in terms of Rule 60 of the First-tier Tribunal
for Scotland Housing and Property Chamber (Procedure) Regulations 2016**

Chamber Ref: FTS/HPC/CV/18/0140

Re: Property at 22 Main Street, Mid Calder, EH53 0AN ("the Property")

Parties:

**Mr Steven Perrot, Mrs Joanne Perrott, 3 Wallace Mill Gardens, Mid Calder,
EH53 0BE ("the Applicant")**

**Mr Kevin Wells, Mrs Lauren Wells, 22 Main Street, Mid Calder, EH53 0AN ("the
Respondent")**

Tribunal Members:

George Clark (Legal Member) and Mrs Linda Robertson (Ordinary Member)

Background

By Application dated 2 March 2018, the Applicant requested an Order for payment by the Respondent of rent arrears for January and February 2018, amounting to £1,150, together with the unpaid balance of a rental deposit (£275).

The Respondent advised the Tribunal by e-mail dated 21 February 2018 that the reason for non-payment of rent was that there were repairing issues with Property which had not been dealt with by the Applicant.

The Hearing

A Hearing was held at George House, 126 George Street, Edinburgh on the morning of 8 May 2018. The Applicant was represented by Jodi McAdam, Property Manager of Castlebrae Sales and Lettings Limited and by Lynn McMurdo, one of their Directors. The Respondent was not present or represented at the Hearing.

The Applicant's representatives told the Tribunal that the rent had been one month in arrears when the Applicant instructed them to terminate the Short Assured Tenancy in terms of Section 33 of the Housing (Scotland) Act 1988. The relevant Notices had been served on 27 December 2017. Since then, the Respondent had paid no rent and the arrears as at 2 May 2018 now amounted to £3,725, including the unpaid balance of deposit.

The Applicant sought to amend the Application to increase the amount sought to reflect the increasing level of arrears.

The Tribunal was asked to amend the Application to include the sum of £3,725 already due and any further arrears that accrued during the period from 3 May 2018 to the date on which the Respondent vacates the Property in terms of an Order for possession made by the Tribunal at a hearing earlier on the morning of 8 May 2018 under Chamber Reference FTS/HPC/EV/18/0526.

Reasons for the Decision

The Tribunal noted that the Respondent continues to occupy the Property and regarded it as reasonable that the Applicant should be entitled by civil proceedings to recover any arrears of rent that are due down to the date on which the Respondent vacates the Property.

Decision

The Tribunal decided that it would allow the amendment to the Application sought by the Applicant, but that the Respondent was entitled to notice of the amendment and a right to make representations in relation to it. Accordingly, the Tribunal directed that this Decision should be intimated to the Respondent, who should be given a period of 14 days within which to make any written representations and that the Hearing should be adjourned to a date to be intimated to the Parties.

G Clark

Legal Member

8 May 2018

Date