



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/22/2463

Re: Property at 103 Greenock Road, Inchinnan, PA4 9LD (“the Property”)

Parties:

O'Brien Properties Ltd, O'Brien Properties, 4-5 Gleneagles Court, Brighton Road, Crawley, RH10 6AD (“the Applicant”)

Mr Thomas Walker, 103 Greenock Road, Inchinnan, PA4 9LD (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,500.

Background

By application, dated 22 July 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £4,100.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 7 March 2020 at a rent of £625 per month. The Applicant also provided a Rent Statement showing arrears as at 7 August 2022 of £4,725.

On 29 November 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 20 December 2022. The Respondent did not make any written representations to the Tribunal.

On 7 January 2023, the Applicant's solicitors provided the Tribunal with an updated Rent Statement showing arrears at that date of £5,500 and sought to amend their application to increase to that figure the amount sought.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 24 January 2023. The Applicant was represented by Mr Ian Troy of Penny Lane Homes, Renfrew. The Respondent was also present.

The Applicant's representative told the Tribunal that the amount outstanding was still £5,500. The Respondent told the Tribunal that he accepted that the sum sought was due.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides 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 to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought, as amended to £5,500, had become lawfully due by the Respondent to the Applicant and that an Order for Payment should, therefore, be made.

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.

George Clark

Legal Member/Chair

24 January 2023
Date