

Housing and Property Chamber
First-tier Tribunal for Scotland



Notes on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/18/1608

Re: Property at 52/2 High Street, Peebles, EH45 8AN (“the Property”)

Parties:

Owen & Cassidy, 64 Corstorphine Road, Edinburgh, EH12 6JQ (“the Applicant”)

Ms Jodie Dixon, 52/2 High Street, Peebles, EH45 8AN (“the Respondent”)

Tribunal Member:

Colin Dunipace (Legal Member)

Summary of Discussion

Background

This matter called before me on 13 November 2018 in Langlee Community Centre, Galashiels as a Case Management Discussion. At this Discussion the Applicant was represented by Ms Patricia Thom of Messrs Cullen Kilshaw on behalf of Messrs Thorley Stephenson SSC. The Respondent was not present at this Discussion. The matter had previously called as a Case Management Discussion on 3 September 2018 and 1 October 2018. Reference is made to these two previous Case Management Discussion Notes which set out the factual position in relation to this Application.

Case Management Discussion

When the matter last called the Discussion had been continued to enable the Applicant’s representative to send a further copy of their representations, and having been thereafter cross-copied to allow the Respondent an opportunity to make representations in respect of these submissions. I noted thereafter that these representations had been received by the Tribunal and had been copied to the Respondent to afford her an opportunity to respond thereto. I noted that to date no response had been received from the Respondent. I also

noted that despite the fact that lawful service had been effected upon the Respondent that she was not present at this Discussion

At the Hearing I heard submission from the Applicant's representative to the effect that the Respondent had failed to pay rent in accordance with the Rental Agreement since March 2018. The Respondent had accordingly failed to pay any rent whatsoever for a period in excess of three months. No explanation had been provided by the Respondent to explain why this rent had not been paid by her.

Outcome

In the circumstances as narrated above I was satisfied that the Respondent had failed to pay rent for a period in excess of three months and that no explanation had been provided for this failure. The respondent had failed to engage with the Tribunal and despite having been served with notice of the Case Management Discussions, that she had failed to appear now on three occasions.

At this stage therefore it was appropriate to made the Order as sought by the Applicants without the necessity of a full Hearing and an Order under section 33 of the Housing (Scotland) Act was accordingly made.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

Colin Dunipace

Legal Member 

Date


