

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/CV/23/3947

Re: Property at 157 Main Street, Wishaw, ML2 7AU (“the Property”)

Parties:

Mrs Suzanne Pollock, 3 Netherdale Crescent, Wishaw, ML2 0DN (“the Applicant”)

Mr Garry Neilson, 9 Burnbrae Road, Blantyre, Hamilton, G72 0QT (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease, the commencement date of which was 23rd February 2022, the Applicant let the Property to the Respondent.
2. The rent payable was £450.00 per calendar month.
3. The Respondent ultimately vacated the premises during 2023. At that time rent arrears amounted to £844.00.
4. The Parties entered into an arrangement where by the Respondent would make payment of the rent arrears at the rate of £40.00 per week. Only one such payment was made.
5. The Applicant thereafter presented an application to the tribunal seeking an order for payment in the amount of £804.00 being the balance outstanding.

THE CASE MANAGEMENT DISCUSSION

6. The Applicant participated personally in the case management discussions. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff

Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs;

7. The Applicant confirmed that the arrears remained at £804.00. The Respondent had vacated the premises previously. As such, there are no ongoing rental payments due and the arrears, as a result, have not increased. Similarly, however, the Respondent has not made any further payments towards the arrears.
8. In the absence of any opposition to the application, and having regard to the Upper Tribunal decision of *Woro v Brown* 2022UT28, the Tribunal granted the order for payment as sought by the Applicant.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of EIGHT HUNDRED AND FOUR POUND (£804.00) STERLING to the Applicant.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal’s decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.



Legal Member/Chair

16th February 2024

Date