



**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/19/3537**

**Re: Property at 19 Hazel Dene, Methil, KY8 2JL (“the Property”)**

**Parties:**

**Mr Brian Delorey, Wellside House, Kennoway Road, Windygates, KY8 5BX  
 (“the Applicant”)**

**Mr Christopher Bell, present whereabouts unknown (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), granted a request to amend the sum sought, 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 £4,730.**

**Background**

By application, received by the Tribunal on 4 November 2019, the Applicant sought an Order for Payment against the Respondent in respect of unpaid rent for the Property that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,290.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 27 June 2019 at a rent of £430 per month with a deposit of £430, a Rent statement showing arrears as at 1 November 2019 of £1,290, the only sums having been paid by the Respondent being the deposit and the first month’s rent

On 27 December 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and inviting the Respondent to make written representations by 17 January 2020. The Respondent did not make any written representations to the Tribunal.

A Case Management Discussion held on 28 January 202 was continued to allow the Applicant to seek to increase the amount sought, as further arrears of rent had accrued and a Further Case Management Discussion held on 5 March 2020 was continued to allow service on the Respondent by advertisement to be undertaken, his whereabouts being unknown.

The continued Case Management Discussion scheduled for 17 April 2020 was postponed due to the COVID-19 lockdown restrictions.

On 6 March 2020, the Applicant sought leave to increase the amount sought to £3,010 and on 6 July 2020, the Applicant provided the Tribunal with an updated Rent Statement showing arrears as at that date of £4,730 and sought leave to increase the amount sought to that sum.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 29 July 2020. The Applicant participated in the Case Management Discussion. The Respondent did not participate and was not represented. The Applicant's representative told the Tribunal that no payments had been received since the date of the application and asked the Tribunal to accept the request to amend the sum sought, and to grant the Order sought without a Hearing. The Tribunal also noted a Certificate of Service by Advertisement showing that the intimation to the Respondent of the Case Management Discussion had been advertised on the Tribunal's website between 22 June and 29 July 2020.

### **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 and that it could determine the application without a Hearing. The Tribunal was satisfied that the sum sought in respect of arrears of rent was lawfully due by the Respondent to the Applicant.

### **Decision**

The Tribunal granted the request to amend the sum sought, 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 £4,730.

### **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**

 G Clark

**Legal Member/Chair**

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**Date**