



**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/20/1797**

**Re: Property at 27 Lugar Street, Coatbridge, ML5 3JS (“the Property”)**

**Parties:**

**Miss Heather Hume, Mr Derek Griffith, 14 Portencross Road, West Kilbride,  
KA23 9ES; 14 Portencross Road, West Kilbride (“the Applicant”)**

**Miss Leighann Wright, sometime 27 Lugar Street, Coatbridge ML5 3JS, present  
whereabouts unknown (“the Respondent(s)”)**

**Tribunal Members:**

**George Clark (Legal Member)**

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

**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 £2,379.**

**Background**

By application, received by the Tribunal on 25 August 2020, 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 £2,730.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 15 May 2019 at a rent of £390 per month, a Rent Statement showing arrears of £4,680 as at 15 August 2020 and an email from the Respondent dated 18 August 2020, in which she confirmed that she was still living at the Property.

In the application, the Applicant explained that the Tribunal had at an earlier date, granted a previous application in respect of arrears of rent, but had limited it to the balance as at the date of that application, namely £1,950. The present application

was for the unpaid rent that had become due from the date of the first application to date.

A Case Management Discussion scheduled for 13 October 2020 was postponed, as sheriff officers had been unable to serve the necessary papers on the Respondent. The present Case Management Discussion was, therefore, intimated by advertisement on the Tribunal's website between 8 October 2020 and 12 November 2020.

On 12 October 2020, the Respondent contacted the Tribunal by email and a set of papers was emailed to her at her request. She stated that she had been evicted from the Property on 14 September 2020.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 12 November 2020. The Applicant, Miss Hume, participated in the call. The Respondent did not participate and was not represented.

The Applicant asked the Tribunal to make the Order for Payment without a Hearing.

### **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 decide the application without a Hearing.

The Tribunal noted that in its Eviction Order issued on 15 July 2020 (FTS/HPC/EV/0372), it had determined that the Private Residential Tenancy Agreement between the Parties would end on 17 August 2020, that being the earliest date on which the Applicant was entitled to enforce the Eviction Order. Accordingly, the Tribunal could not make an Order for Payment that included rent beyond 17 August 2020, even though the Respondent had not actually moved out on or before that date. The Rent Statement provided by the Applicant included a payment due on 15 August 2020, but the rent was payable in advance, so the payment due on that date would have been for the period from 15 August to 14 September 2020. The Tribunal could, therefore, only make an Order for the first three days of that period, namely £39, and the sum sought must, therefore, be reduced from £2,730 to £2,379.

The Tribunal was satisfied that this sum had become lawfully due by the Respondent to the Applicant.

### **Decision**

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 £2,379.

### **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

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Legal Member/Chair

12 November 2020  
Date