



**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/19/2745

Re: Property at 4 Laurel Lane, Larkhall, ML9 2NG (“the Property”)

Parties:

**Mr David Robb, Mrs Claire Robb, c/o Let Link, 5 Wellgate Street, Larkhall, ML9
2AG (“the Applicant”)**

Mr Scott James Russell, 4 Laurel Lane, Larkhall, ML9 2NG (“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”) determined that the application should be granted without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the
sum of Two Thousand Seven Hundred Pounds (£2,700).**

Background

By application, received by the Tribunal on 4 September 2019, the Applicant sought an Order for Payment against the Respondent in respect of unpaid rent for the Property. The sum sought was £2,250.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 29 March 2019 at a rent of £450 per month and a Rent Statement showing arrears as at 3 September 2019 of £2,250. On 27 September 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 18 October 2019. The Respondent did not make any written representations to the Tribunal.

On 31 October 2019, the Applicant’s representatives sought leave to amend the application to increase the amount sought to £2,700 and provided the Tribunal with an updated rent Statement showing arrears as at 29 September 2019 standing at £2,700.

Case Management Discussion

A Case Management Discussion as held at Glasgow Tribunals Centre, 20 York Street, Glasgow on the afternoon of 31 October 2019. The Applicant was represented by Miss Euphemia Matheson of Bannatyne Kirkwood France & Co, solicitors, Glasgow. The Respondent was not present or represented. The Applicant's representative advised that no rent payments had been received since the date of the application and asked the Tribunal to grant the application 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 and that it would determine the application without a Hearing.

The Tribunal was content to accept the request for an amendment made on 31 October 2019 and was satisfied that the sum sought in the application as amended was due by the Respondent to the Applicant. The Tribunal refused to award interest on the sum due, as the Private Residential Tenancy Agreement did not make any provision for interest on unpaid rent

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of Two Thousand Seven Hundred Pounds (£2,700).

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.

G Clark

Legal Member/Chair

31 Oct 2019

Date