



**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/19/3684

**Re: Property at Flat 1/2, St Helens Villa, High Road, Sandbank, PA23 8PN (“the
Property”)**

Parties:

**Mrs Maureen Beattie, Struthan Na Feoraig, North Campbell Road, Inellan,
Dunoon, PA23 7SB (“the Applicant”)**

**Mr James Scott, Flat 1/2, St Helens Villa, High Road, Sandbank, PA23 8PN
 (“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 decided without a
Hearing and made an Order for Payment by the Respondent to the Applicant of
the sum of £9,354.65**

Background

By application, received by the Tribunal on 18 November 2019, the Applicant sought an Order for Payment in respect of arrears of rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £9,354.65.

The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties, commencing on 8 January 2014 and, if not terminated by either Party on 9 July 2014, continuing on a month-to-month basis thereafter until terminated by two months’ notice given by either Party to the other and a Rent Statement showing arrears as at 8 November 2019 of £9,354.65.

On 19 December 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 9 January 2020. The Respondent did not make any written representations to the Tribunal.

On 6 January 2020, the Applicant's solicitors provided the Tribunal with an updated Rent Statement and sought leave to amend the application to increase the sum sought to £9,719.65.

Case Management Discussion

A Case Management Discussion was held at Greenock Sheriff Court on the morning of 22 January 2020. The Applicant was represented by Mr Kenneth Caldwell of Patten & Prentice LLP, solicitors, Greenock. The Respondent was not present or represented.

Mr Caldwell told the Tribunal that he was no longer seeking to amend the application as indicated in the request of 6 January, as the request to amend had not been served on the Respondent. He advised that no rent had been received since August 2018 and asked the Tribunal to make the Order 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 enable it to determine the application without a Hearing.

The Tribunal was satisfied that the sum sought 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 of £9,354.65

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

Legal Member/Chair

22 January 2020

Date