



**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/18/1610

Re: Property at 19 Ardgour Road, Kilmarnock, KA3 2AJ (“the Property”)

Parties:

Mr Morton Hannah, 21 Thomson Street, Kilmarnock, KA3 1EQ (“the Applicant”)

Ms Megan Buckland, 36 Kilmaurs Road, Kilmarnock, KA3 1QL (“the Respondent”)

Tribunal Member:

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 requiring the Respondent to pay to the Applicant the sum of £4,640.45.

Background

By application, received by the Tribunal on 27 June 2018, the Applicant sought an Order for payment of the sum of £4,640.45 in respect of unpaid rent for the Property. The Applicant provided the Tribunal on 27 July 2018 with a copy of a Lease between the Parties for a period of 6 months, commencing on 10 July 2014. The copy was of an unsigned lease. The Applicant also provided a Rent Statement showing arrears as at 26 February 2017 of £4,640.45. It indicated that the last payment received had been £279.46 on 11 September 2016. The application was also accompanied by copies of two letters from East Ayrshire Council, one stating that the Respondent was entitled to Housing Benefit of £115.37 per week and the other confirming that, as from 15 August 2016, the Respondent’s Housing Benefit of £460.28 every 4 weeks would be paid directly to the Applicant. The Tribunal was also provided with a copy of a letter from the Applicant to the Respondent dated 21 February 2017, stating that Housing Benefit had been cancelled in August 2016 and that arrears of

rent stood at £4,640.45, as shown in the rental payments breakdown which was attached to the letter.

On 14 November 2018, the Tribunal advised the Parties by letter of the date, time and venue of a Case Management Discussion and the Respondent was invited to make written representations no later than 3 December 2018. The Respondent made no written representations to the Tribunal. The letter was served on the Respondent by sheriff officer on 19 November 2018 by depositing it in the letterbox of what was understood to be the current address of the Respondent.

The Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre, 2 York Street, Glasgow on the afternoon of 6 December 2018. The Applicant was present. The Respondent was neither present nor represented at the Case Management Discussion. Earlier that day, she had telephoned the Tribunal seeking a postponement, as she was unable to take time off work and had to collect children from school, but that request was refused by the Tribunal due to the very short notice.

At the Case Management Discussion, the Applicant told the Tribunal that the Respondent had not made any payments since the date of the application. He stated that the Respondent had vacated the property on 10 May 2017

Reasons for Decision

The Tribunal was satisfied that the sum sought in the application was lawfully due by the Respondent, who had not sought to challenge it by way of written representations. The Tribunal also concluded that, whilst the notification of the Case Management Discussion had been left at what was understood to be the Respondent's current address, her telephone call earlier in the day provided confirmation that the Respondent had in fact received the letter of 14 November 2018.

The Tribunal noted that the copy lease provided to it was of an unsigned version, but the Respondent had not sought to contend that it was not in the same terms as the original.

By Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, 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 that it required, and that it would decide the application without a hearing.

Decision

The Tribunal determined that the application should be granted without a hearing and made an Order requiring the Respondent to pay to the Applicant the sum sought in the application, namely £4,640.45.

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

6 December 2018

Date