

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 under Section 71 of the Housing (Scotland) Act 2014 (“the Act”) and Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/22/4454

Re: Property at 14 St Malcolms Wynd, Kirriemuir, Angus, DD8 4HB (“the Property”)

Parties:

Mr Christopher Gair, 18 Ashburn Gardens, Milngavie, East Dunbartonshire, Glasgow, G62 7PE (“the Applicant”)

Mr Scott Bell, current whereabouts unknown (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that determined that an Order for payment of ONE THOUSAND FOUR HUNDRED AND EIGHTY ONE POUNDS AND FIFTY SIX PENCE (£1,481.56) Sterling be granted.

Background

1. By application received between 17 December 2022 and 9 January 2023 (“the Application”), the Applicant applied to the Tribunal for a payment order requiring the Respondent to make payment of all outstanding rent due by him. The Application comprised a copy of a short assured tenancy agreement between the Parties, copy statements of rent due and owing by the Respondent showing arrears of £1,481.56 to the tenancy end.
2. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 6 April 2023 by telephone conference. This CMD was postponed as the Application could not be served on the Respondent. A further CMD was fixed for 7 August 2023 and intimated to the Respondent by advertisement on the Chamber website.

CMD

3. The CMD took place on 7 August 2023 at 14.00 by telephone conference. The Applicant took part and was unrepresented. The Respondent did not take part and was not represented. He did not submit written representations.
4. The Applicant confirmed to the Tribunal that the sum sought in the Application remained due and owing.

Findings in Fact

5. From the Application and the CMD, the Tribunal made the following findings in fact,:-
 - i) There was a tenancy of the Property between the Parties;
 - ii) The Respondent accrued rent arrears and the sum due and owing by him is £1,481.56;

Decision and reasons for the decision

6. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" Having found in fact that the Respondent is due and owing to the Applicant for the sum of £1,481.56, the Tribunal proceeded to make an order for payment in this sum

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.


Karen Moore

Legal Member/Chair

7 August 2023
Date