

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 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/0048

**Re: Property at 29/8 Brighthouse Park Cross, Cramond, Edinburgh, EH4 6GW
("the Property")**

Parties:

**AMA (New Town) LTD, 15 Coates Crescent, Edinburgh, EH3 7AF ("the
Applicant")**

**Mr Iqbal Hussain, 29/8 Brighthouse Park Cross, Cramond, Edinburgh, EH4 6GW
("the Respondent")**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Applicant is entitled to the Order sought for
payment in the sum of £10,400.**

Background

The Applicant submitted an application seeking an order for payment from the Respondent in the sum of £9,200. This was in terms of a tenancy agreement between the parties in respect of property at 29/8 Brighthouse Park Cross, Cramond, Edinburgh, EH4 6GW. The Tribunal intimated the application to the Respondent on 8th February 2018 and advised him that a case management discussion would be held on 7th March 2018. The Applicant was represented at that case management discussion by Mr Mathieson and the Respondent was personally present. Reference is made to the note of that case management discussion. The sum sought in terms of the application was amended to £10,400. On 6th April 2018, the Tribunal received an email from the Respondent indicating that he did not intend to attend the continued case management discussion on 12th April and intended to move from the property on 26th April 2018.

Case Management Discussion

The hearing took place in the absence of the Respondent. The Applicant was represented by Mr Mathieson, Solicitor. Mr Mathieson was aware of the email sent by the Respondent on 6th April 2018. He advised that the Respondent has not made any payment since the last case management discussion. The Applicant sought an order for payment in the sum of £10,400.

Findings in fact

1. The Applicant and Respondent entered into a tenancy agreement dated 13th July 2015. The period of the tenancy was from 20th July 2015 to 19th July 2016. The tenancy continued thereafter on a monthly basis. The rent payable was £1,600 per calendar month, payable in advance.
2. The Respondent failed or at least delayed to make payment of the rent.
3. The rent arrears outstanding as at 7th March 2018 were £10,400.

Reasons for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's solicitor invited the Tribunal to make the Order for payment in the sum of £10,400. At the last case management discussion on 7th March 2018, the Respondent accepted that the sum was due and advised that he intended to pay the sum by instalments. The Applicant's solicitor advised the Tribunal that no sums have been paid by the Respondent since the last case management discussion. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

N Irvine

Legal Member/Chair

Date

12th April 2018