



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71 of the Private Housing  
(Tenancies) (Scotland) Act 2016 for Civil Proceedings in relation to a Private  
Residential Tenancy.**

**Chamber Ref: FTS/HPC/CV/20/0646**

**Re: Property at 65 Rosewell Drive, Lochore, Lochgelly, KY5 8DP (“the  
Property”)**

**Parties:**

**ORE Valley Enterprises Limited, 114-116 Station Road, Cardenden, Lochgelly,  
KY5 0BW (“the Applicant”)**

**Mr Russell Bryson, 65 Rosewell Drive, Lochore, Lochgelly, KY5 8DP (“the  
Respondent”)**

**Tribunal Members:**

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (hereinafter referred to as “the 2016 Act”) for civil proceedings in relation to a private residential tenancy. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

**Attendance and Representation**

The Applicant was represented by Nicola Caldwell, TC Young Solicitors, 7 West George Street, Glasgow, G2 1BA

The Respondent did not attend the Tribunal. No written representations had been received. Service of the Application had been affected appropriately by Sheriff Officer on 2<sup>nd</sup> July 2020.

### Preliminary Matters

Ms Caldwell for the Applicant raised that an up to date rent statement had been lodged and intimated on the Respondent seeking to amend the sum sought in the application. However the Respondent had made payments in March 2020 and accordingly she sought to reduce the sum intimated to £4674.27. The Legal Member allowed the up to date rent statement to be received, noted that the Respondent had been intimated at a higher level and allowed the sum sought in the absence of any representations from the Respondent to £4674.27. There being no prejudice to the Respondent to a reduction in the amount intimated upon him in the amendment Application.

### Matters Raised

The Applicant's representative confirmed that a payment order for the amount of £4674.27 was sought. The Applicant's representative gave full details and made submissions regarding this. It was noted the Respondent remains in the property. No payment plan has been arranged between parties although some payments had been made in March 2020 to allow the sum sought to be reduced. The Tenancy agreement lodged confirmed the contractual monthly amount due was £412. Full and detailed rent statements had been lodged. There were no other matters arising.

### **Decision (in the absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted a payment order against the Respondents for the sum of £4674.27**

### **Reasons for Decision and Findings in Fact**

- 1. The Tribunal was satisfied that the Respondent had been notified of the Application.**
- 2. Rule 17 of the Procedure Rules provides that a Tribunal can do anything at a CMD which it may do at a Hearing, including making a decision. The Tribunal was satisfied that the Tribunal had everything before it that it would require in order to make a decision having regard to the Overriding Objective.**
- 3. Service by Sheriff Officer on the Respondent had taken place.**
- 4. The PRT commenced on 15<sup>th</sup> March 2019 and had been lodged.**
- 5. The contractual month amount due for rent was £412.**

6. The Respondent was liable to the Applicant in terms of the said PRT for outstanding rent to the Applicant to the sum of £4674.27 as at the date of the hearing.
7. The tribunal was satisfied that the Respondents on the evidence before it owed rent to the amount of £4674.27 to the Applicant.

### 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.

K Kirk

06/08/2020

Legal Member/Chair

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Date