



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/21/0192

Re: Property at 214 Quarry Street, Motherwell, ML1 4HJ (“the Property”)

Parties:

Mr Jimmy Sexton, 350a Clooney Road, Limavady, County Londonderry (“the Applicant”)

Ms Elizabeth Marie Taylor, 214 Quarry Street, Motherwell, ML1 4HJ (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Gerard Darroch (Ordinary 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 £5,850.

Background

By application, received by the Tribunal on 27 January 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £5,850.

The application was accompanied by a copy of a Private Rented Tenancy Agreement between the Parties commencing on 1 March 2019 at a rent of £450 per month and a Rent Statement showing arrears as at 1 January 2021 of £5,850, no payment of rent having been made since 3 December 2019.

On 16 February 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations no later than 9 March 2021. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 23 March 2021. The Applicant was represented by Miss Vikki McGuire of Jewel Homes Limited, Coatbridge. The Respondent was not present or represented. Miss McGuire advised the Tribunal that no rental payments had been received since the date of the application and that the arrears now stood at £6,750. She asked the Tribunal to make the Order for Payment 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 decide the application without a Hearing. The Tribunal was satisfied that the sum sought by the Applicant had become lawfully due to him by the Respondent.

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 £5,850.

The Decision of the Tribunal was unanimous.

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

23 April 2021
Date