



**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/22/0053

**Re: Property at 5 Whinny Burn Court, Motherwell, Lanarkshire, ML1 2LW (“the
Property”)**

Parties:

**Mr Scott Mather, 20 Stein Terrace, Ferniegair, Hamilton, Lanarkshire, ML3 7FR
 (“the Applicant”)**

**Mr Lee Barclay, 5 Whinny Burn Court, Motherwell, Lanarkshire, ML1 2LW (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Mike Scott (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 £9,200.**

Background

By application, dated 7 January 2022, 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 £9,200.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 22 July 2017 at a rent of £450 per month, and a Rent Statement showing arrears as at 21 December 2021 of £9,200.

On 21 February 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 14 March 2022. 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 afternoon of 6 April 2022. The Applicant was present and was represented by Mr Alistair Buttery of Freelands, solicitors, Motherwell. The Respondent was not present or represented. The Applicant's representative advised the Tribunal that no rent had been received since the date of the application and asked the Tribunal to grant an 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 had become lawfully due by the Respondent 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.

Legal Member: George Clark

Date: 6 April 2022