



**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/21/2335

Re: Property at 5 Catherines Court, Bonnyrigg, EH19 3JJ (“the Property”)

Parties:

Mr James Turner, 34 Laird Terrace, Bonnyrigg, Midlothian, EH19 3LX (“the Applicant”)

Mr Calum MacLeod, 79/3 Murrayburn Park, Edinburgh, EH14 2PS (“the Respondent”)

Tribunal Members:

George Clark (Legal 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 £1,390.

Background

1. By application, received by the Tribunal on 28 September 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 £1,390.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 28 September 2020 at a rent of £795, and a Rent Statement showing arrears as at 18 August 2021 of £1,390.
3. On 1 December 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 by 22 December 2021. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held on the afternoon of 13 January 2022. The Applicant participated in the Case Management Discussion. The Respondent was not present or represented. The Applicant confirmed that no money had been paid since the date of the application and that the Respondent had vacated the Property on 28 June 2021. The deposit had been refunded in full to the Applicant and was taken into account in the Rent Statement provided with the application.

Reasons for Decision

5. 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.
6. The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant.

Decision

7. 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 £1,390.

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/Chair

13 January 2022
Date