



**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/20/0644

**Re: Property at 49 Fallas Place, Fauldhouse, Bathgate, EH47 9BZ (“the
Property”)**

Parties:

**Mr Paul Watson, 10 Gorsewood, Bishopbriggs, Glasgow, G64 2TG (“the
Applicant”)**

**Ms Patricia Stewart, 49 Fallas Place, Fauldhouse, Bathgate, EH47 9BZ (“the
Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order should be granted for payment in the sum
of ONE THOUSAND ONE HUNDRED AND FIFTY POUNDS (£1150.00)**

Background

1. By application dated 24 February 2020, the applicant sought an order for payment under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. On 10 March 2020 the application was accepted by the tribunal and referred for determination by the tribunal.

2. A Case Management Discussion (CMD) was set to take place on 7 August 2020 and appropriate intimation of that hearing was given to both parties.

The Case Management Discussion

3. The Case Management Discussion (CMD) took place on 7 August 2020 via telephone case conference. The applicant took part in the telephone case conference. The Respondent did not take part.

4. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.

5. The tribunal asked various questions of the applicant with regard to the application.

6. The applicant confirmed that he wished the order for payment to be granted.

Findings in Fact

7. The Applicant is the registered owner of the property. He and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 1 April 2019.

8. The tenancy was a private residential tenancy in terms of the Act.

9. The agreed monthly rental was £450.

10. Arrears had started to accrue shortly after the commencement of the tenancy and at the date of service of a Notice to Leave on 17 January 2020, arrears amounted to £900.00.

11. At the date of the lodging of the application arrears amounted to £1150.00.

12. The tenant had been continuously in arrears from June 2019 until the date of the CMD.

13. The sum claimed in terms of the application was £1150.00 and this sum was still owed at the date of the CMD. The actual amount of arrears at the date of the CMD was £2050.

14. The basis for the order for Payment was accordingly established.

Decision

15. The order for payment of arrears is granted. The tribunal is satisfied, based on the evidence presented on behalf of the applicant which is reflected in the Findings in Fact and the notes of the CMD set out above, that the sums claimed by way of rent arrears of £1150.00 are outstanding and are due to be paid by the respondents.

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.

J. B

07 August 2020

Legal Member/Chair

Date