

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 (“the Act”) and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/23/3197**

**Ore Valley Enterprises Ltd, 114/116 Station Road, Cardenden, KY5 0BW (“the Applicant”) per their agents, T.C. Young, Solicitors, 7, George Street, Glasgow, G2 1BA**

**Mr Luis Filipe Ferreira De Gouveia, 21F, Quality Street, Dysart, Kirkcaldy, Fife, KY1 2TZ (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and Helen Barclay (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that determined that an Order for payment of FOUR THOUSAND SIX HUNDRED AND EIGHTY TWO POUNDS and SEVENTY TWO PENCE (£4,682.72) sterling be granted.**

**Background**

1. By application received on 12 September 2023 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent due by the Respondent to the Applicant in the sum of £3,628.90
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 21 December 2023 at 10.00 by telephone conference. The Application was intimated to both Parties, and, in particular to the Respondent by Sheriff Officer, to the full address of the Property, on 8 November 2023.
3. Prior to the CMD, the Applicant’s Agents amended the sum sought to £4,682.72 and intimated this amendment to the Respondent by recorded delivery.

**CMD**

4. A Case Management Discussion (the "CMD") took place on 21 December 2023 at 10.00. The Applicant was not present and was represented by Ms. Brechany of the Applicant's Agents. The Respondent was not present. The Respondent did not take part and was not represented. He did not lodge written representations.
5. Ms. Brechany confirmed to the Tribunal that the amended sum of £4,682.72 remains due and owing.

### **Findings in Fact**

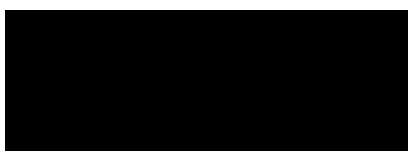
6. From the Application and the CMD, the Tribunal made the following findings in fact:-
  - i) There is a tenancy of the Property between the Applicant and the Respondent;
  - ii) The Respondent owes a debt of £4,682.72 in respect of in respect of unpaid rent;
  - iii) The Applicant is entitled to an Order for £4,682.72 against the Respondent.

### **Decision and reasons for the decision**

7. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion .....including making a decision" Having found in fact that the Respondent is due and owing to the Applicant for the sum of £4,682.72, the Tribunal proceeded to make an order for payment in this sum.
8. The Tribunal noted that the address of the Respondent is incomplete on some of the cases papers and so directs the Tribunal Chamber to correct the address to 21F, Quality Street, Dysart, Kirkcaldy, Fife, KY1 2T.

### **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.**



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**Legal Member/Chair**

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**21 December 2023**