



**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/24/2695

**Re: Property at 67 Southfield Road, Balloch, Cumbernauld, G68 9DZ (“the
Property”)**

Parties:

**Mr Tony Cairns, 68 Furrow Crescent, Newton Park, Cambuslang, G72 6WN (“the
Applicant”)**

Miss Emma Cairns, 98 Little Denny Road, Denny, FK6 5AJ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order for payment in the sum of THREE
THOUSAND TWO HUNDRED AND FIFTY POUNDS (£3250)**

Background

1. By application dated 12 June 2024 the applicant seeks an order for payment in the sum of £3250 in respect of outstanding rent arrears.
2. The following documents were submitted with the application:
 - Short assured tenancy agreement
 - Rent account from July 2022 to March 2023
3. The respondent emailed the Tribunal on 25 October 2024 stating that her mother would repay the outstanding amount.

4. A case management discussion (“cmd”) was assigned for 14 November 2024. Neither party attended the cmd. The Tribunal adjourned the cmd to 4 February 2025.
5. The respondent emailed the Tribunal on 21 November 2024 requesting the applicant’s bank details in order that she could repay the outstanding amount. She was advised to contact the applicant’s representative direct to discuss payment arrangements.

Case management discussion – 4 February 2024- teleconference

1. The applicant was represented by Ms Cramb, Lettings Manager, K Property. The respondent was not in attendance. The Tribunal was satisfied that that she had been properly notified of the cmd and proceeded in her absence in terms of rule 29.
2. Ms Cramb sought an order for payment in the sum of £3250. She confirmed that the respondent had moved into the property on 21 November 2017 in terms of a short assured tenancy agreement. The monthly rent was £650. Ms Cramb confirmed that the tenancy agreement ended after the respondent moved out of the property in March 2023. She referred to the rent account which had been lodged in advance of the cmd. This showed that arrears amounted to £3250 when the respondent moved out of the property. Ms Cramb stated that no payments had been made by the respondent since she moved out of the property. Ms Cramb stated that following the respondent’s emails to the Tribunal she had not made any arrangements for payment of the outstanding sum.

Findings in fact

3. Parties entered into a short assured tenancy agreement with a commencement date of 21 November 2017.
4. The tenancy agreement ended on 31 March 2023.
5. Monthly rent due in terms of the agreement was £650.
6. The respondent has not lodged any opposition to the application.
7. Rent arrears as at the date of the cmd amounted to £3250.

Reasons for the decision

8. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

9. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
10. The Tribunal took into account the application and accompanying documents, email correspondence from the respondent and the oral submissions at the cmd in reaching a decision.
11. The Tribunal gave weight to the fact that respondent had not lodged any opposition to the application or disputed the sum sought in any way. The Tribunal gave weight to the fact that the respondent's emails to the Tribunal

indicated that she accepted that she owed the amount sought and was arranging for payment.

12. The Tribunal had no reason to doubt the information provided by the applicant's agent in relation to the level of outstanding arrears. The Tribunal was satisfied that arrears in the amount of £3250 were lawfully due as at the date of the cmd.

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.

M-C Kelly

Legal Member/Chair

20 February 2025

Date