



**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/19/0045**

**Re: Property at 12 Livingstone Drive, The Murray, East Kilbride, G75 0HB (“the  
Property”)**

**Parties:**

**Franchville Investments Limited, co The Property Bureau, Melville House, 70  
Drymen Road, Bearsden, G61 2RH (“the Applicant”)**

**Mr Christopher Docherty, 12 Livingstone Drive, The Murray, East Kilbride, G75  
0HB (“the Respondent”)**

**Tribunal Members:**

**Patricia Pryce (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Respondent shall make payment to the  
Applicant in the sum of TWO THOUSAND SIX HUNDRED AND SEVENTY-FIVE  
POUNDS STERLING (£2,675).**

- **Background**

The Applicant applied for repayment of £2,675 in respect of rent arrears for the former tenancy of the property. The Applicant sought other sums due.

- **The Case Management Discussion (CMD)**

The Applicant was represented by Mr Buchanan, solicitor. The Respondent did not appear nor was he represented.

The Tribunal noted that the Respondent had been notified of the date of the CMD by sheriff officers and that it was therefore content to continue with the

CMD in terms of Rule 29 of its Rules of Procedure in the absence of the Respondent.

Mr Buchanan submitted that an order for possession had been granted on 28 January 2019. The eviction had been carried out by sheriff officers on 21 March 2019. The Respondent owed a balance of £2,675 in terms of rent arrears for the former tenancy. Mr Buchanan only insisted on this sum in terms of the payment order and confirmed that he was not insisting on recovery of any other sums which were mentioned within the application.

- Findings in Fact

1. The Applicant is the owner of the property.
2. The Applicant previously let to the Respondent the property at a rent of £535 per calendar month.
3. The Applicant obtained an order for possession on 28 January 2019.
4. The order for possession was implemented on 21 March 2019 when the Respondent was evicted from the property.
5. The Respondent owes the Applicant £2,675 by way of rent arrears for the former tenancy of the property.

- Reasons for Decision

The Tribunal proceeded in the absence of the Respondent, having satisfied itself that the Respondent had been notified of the CMD. The Respondent had not made any representations to the Tribunal. The Tribunal was satisfied that the Respondent owed the Applicant the sum of rent arrears for his former tenancy of the property and that in the sum of £2,675 as demonstrated by the application.

- Decision

The Tribunal determined to grant an order for payment in the sum of £2,675 in respect of the outstanding rent arrears which the Respondent owed the Applicant for the former tenancy of the property.

## 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.**

Patricia Pryce

1 April 2019

Legal Member/Chair

Date