

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988 and under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/1313

Re: Property at 190J (3F) New Street, Musselburgh, East Lothian, EH21 6BZ (“the Property”)

Parties:

Ms Jill Dowling, c/o 9/10/11 Atholl Place, Edinburgh, EH3 8HP (“the Applicant”) respresented by Miss Kirstie Donnelly of Bannatyne, Kirkwood, France and Co.,solicitors, 16 Royal Exchange Square, Glasgow G1 3AG (“the Applicant’s Agents”)

Mr Ryan Knox, 190J (3F) New Street, Musselburgh, East Lothian, EH21 6BZ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order for payment of rent amounting to £5,020.00 due by the Respondent to the Applicant be granted and awards interest at the rate of 8% per annum from the date hereof .

Background

1. By application comprising paperwork including a rental statement received by the Tribunal on 1 May 2019, (“the Application”), the Applicants’ Agents applied to the Tribunal for an Order for payment of £3,445.00 due by the Respondent to the Applicant to be granted, being rent due by the Respondent to the Applicant in terms of a short assured tenancy agreement between the parties. The Applicant’s Agents later amended this sum to £5,020.00. The Application intimated that interest is sought.
2. By Notice in terms of Rule 9 of the Rules dated 13 May 2019, a legal member of the First-tier Tribunal with delegated powers accepted the Application and fixed a Case Management Discussion (“CMD”) for 28 June 2019 at 14.00 in George House, 126, George Street, Edinburgh EH2 4HH.

Case Management Discussion

3. The Case Management Discussion took place on 28 June 2019 at 14.00 in the said George House,. Neither the Applicant nor the Respondent was present. The Applicant was represented by Miss Donnelly of the Applicant's Agents accompanied by Mr. Colin Dove of Dove Davies and Partners, 9-11, Atholl Place Edinburgh EH3 8HP, the Applicant's letting agents.
4. Miss Donnelly confirmed to me that the sum sought is £5,020.00 with interest as intimated to the Respondent in the Application as amended.

Findings in Fact

5. Based on the Application and the CMD, I accepted that the sum of £5,020.00 is due and payable by the Respondent to the Applicant.

Decision and Reasons for Decision

6. Having found the sum of £5,020.00 is due and payable by the Respondent to the Applicant and having the discretion in terms of Rule 17(4) of the Rules to do anything at a case management discussion which may be done at a hearing, I granted the Order for this sum.

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.

Karen Moore

Legal Member/Chair

28 June 2019

Date