



**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 for Civil Proceedings in relation to an assured tenancy.**

Chamber Ref: FTS/HPC/CV/19/1787

Re: Property at 51 Spinningdale, Stonehouse, ML9 3QS (“the Property”)

Parties:

Mr Robert Bell, Linthaugh, stonehouse, ML9 3PQ (“the Applicant”)

Ms Mykaela Ramage, address unknown (“the Respondents”)

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 70 of the Procedure Rules and concerned an Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained to parties. Parties understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant was represented by, Hardy Macphail Solicitors

Ms Mykaela Ramage, address unknown did not attend.

Matters Raised

The Tribunal confirmed service on the Respondent had been effected by Advertisement. The Applicant’s representative confirmed the Respondents

whereabouts remained unknown. The Applicant's representative confirmed further to the Tribunal that the statement of rent lodged dated 26th April 2019 remained correct. No further payments had been received.

The last payment the Applicant received for this property was £202 in February 2019. At Feb 2019 Rent due was £2735, as at 26th April 2019 Rent was £3260.

The Applicant's representative confirmed that a payment order for non payment to the amount of £3260 with interest was sought.

There were no other matters arising.

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondent for payment of the sum of £3260 to the Applicant with Interest thereon at the rate of 8% per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 23rd September 2019, until payment, under section 16 of the Housing (Scotland) Act 2014.

Reasons for Decision

- 1. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.**
- 2. The Tribunal was satisfied that the relevant tenancy was in terms of Section 32(1) of the 1988 Act, a short assured properly constituted and dated 12th August 2008.**
- 3. In terms of the 1988 Act the Tribunal considered that the Short Assured Tenancy had ended and that the relevant notices had been served. As at 26th April 2019 the Tribunal was satisfied there was outstanding rent due to the Applicant by the Respondent of the sum of £3260.**
- 4. Accordingly in terms of Section 16 of the 2014 Act the Tribunal granted a payment order against the Respondent for the sum of £3260 with Interest thereon at the rate of 8% per annum running from the date of the decision, being 23rd September 2019, until payment**

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 Kirk
Legal Member/Chair

23/9/19.
Date