



**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/19/1873

**Re: Property at 22 Wellington Street, Montrose, Angus, DD10 8QD (“the
Property”)**

Parties:

**Thyme Property Development Ltd, 62 New Wynd, Montrose, Angus, DD10 8RF
 (“the Applicant”)**

**Mr Jason McAndrew, 22 Wellington Street, Montrose, Angus, DD10 8QD (“the
Respondent”)**

Tribunal Members:

Petra Hennig-McFtridge (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for payment
of £2,918.56 by the Respondent.**

Background:

The application was made on 14 June 2019 by the Applicant’s representative Muir
Myles Laverty. The application was for payment of a sum of £2,918.56 rent arrears
for the property.

Attached to the application were:

1. the Tenancy Agreement for the property commencing 31 March 2017
2. Printout of rental payments for the property to 25 May 2019

A Case Management Discussion (CMD) was scheduled for 27 August 2019 and both
parties advised of the date, time and venue.

The service was carried out by Sheriff Officers on 18 July 2019. The Tribunal thus
considers that the appropriate notice has been given to the Respondent.

No representations were received from the Respondent. The Respondents had not contacted the Tribunal prior to the CMD and did not attend.

The Tribunal was satisfied that he had been appropriately notified of the application and the CMD.

The Case Management Discussion

The Applicant's representative Mr Lawson from Muir, Myles Laverty attended the CMD. The Respondent did not attend. The Applicant advised the Tribunal that no further payments had been received since the application was made. The Respondent had not contacted the Applicant. He referred the Tribunal to the documents lodged with the application, which are referred to for their terms and held to be incorporated herein. There were no representations from the Respondent.

Findings in Fact:

- 1. The parties entered into an Assured Tenancy for the property with a start date of 31 March 2017 (Clause 1).**
- 2. Rent of £360 per month is payable monthly in advance (Clause 4)**
- 3. The Respondent has not made any payments towards the arrears since the application was made on 14 June 2019.**
- 4. The outstanding amount as of 27 August 2019 is in excess of £2,918.56.**

Reasons for the Decision:

The Tribunal make the decision on the basis of the written evidence lodged by the Applicant and the information given at the hearing by the Applicant.

In terms of Rule 17 of the Rules of Procedure:

Case management discussion

17.—(1) The First-tier Tribunal may order a case management discussion to be held—

- (a) in any place where a hearing may be held;
- (b) by videoconference; or
- (c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

- (a) identifying the issues to be resolved;
- (b) identifying what facts are agreed between the parties;
- (c) raising with parties any issues it requires to be addressed;
- (d) discussing what witnesses, documents and other evidence will be required;
- (e) discussing whether or not a hearing is required; and
- (f) discussing an application to recall a decision.

(4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

However, in terms of Rule 18 of the Rules of Procedure:

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.

The Respondent did not make any written representations and did not attend the CMD. The Tribunal did not consider that there was any need for a hearing as the facts of the case were not disputed and the evidence was sufficient to make the relevant findings in fact to determine the case.

The rent in terms of the tenancy agreement is £360 payable monthly in advance. As per the rent schedule lodged the Respondent had accumulated arrears of the sum of £2,918.56 as of 25 May 2019. No further payments have been received. No representations were received from the Respondent and the sum due is not disputed.

The Applicant asked for an order for payment of that sum. The Tribunal was satisfied that rent lawfully due of the amount of £2,918.56 remained unpaid. The Applicant is entitled to payment of that sum by the Respondent.

Decision:

The Tribunal grants an order for payment of the sum of £2,918.56.

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.

Petra Hennig-McFatrige

Legal Member/Chair

27 August 2019

Date