

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/19/2041

**Re: Property at 1 Beck Avenue, Ryedale Meadows, Troqueer, Dumfries, DG2
7BJ (“the Property”)**

Parties:

**Thornwood Homes, Thornwood Homes, 2 Rigghead Cottages, Glencaple Road,
Dumfries, DG1 4TU (“the Applicant”)**

**Ms Eleanor McTaggart, 1 Beck Avenue, Ryedale Meadows, Troqueer, Dumfries,
DG2 7BJ (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be granted without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the
sum of Three Thousand One Hundred and Fifty Pounds (£3,150).**

Background

By application, received by the Tribunal on 2 July 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,150.

The application was accompanied by copies of a Tenancy Agreement between the Parties, commencing on 26 October 2018 at a monthly rent of £630, and a Rent Statement, showing arrears as at 26 June 2019 of £3,150. The Agreement purported to be a Short Assured Tenancy Agreement.

On 23 August 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 15 September 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Lochvale House, Georgetown Road, Dumfries, on the afternoon of 1 October 2019. The Applicant was represented by Mr Adam Turnbull of Gillespie, Gifford & Brown LLP, solicitors, Dumfries. The Respondent was not present or represented. The Applicant's representative asked the Tribunal to make the Order without a Hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would determine the application without a Hearing.

The Tribunal was satisfied that the sum sought in the application was lawfully due by the Respondent to the Applicant and decided to grant the application and make an Order for Payment.

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of Three Thousand One Hundred and Fifty Pounds (£3,150).

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.

George Clark

Legal Member/Chair

1 October 2019

Date