



**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/21/2654**

**Re: Property at 297 Muirfield Drive, Glenrothes, KY6 2PZ (“the Property”)**

**Parties:**

**Alligin Properties Ltd, 2 Greenburn Field, Milnathort, KY13 9XR (“the Applicant”)**

**Ms Lisa Duff Colville, sometime 297 Muirfield Drive, Glenrothes, Fife KY6 2PZ, whose present whereabouts are unknown (“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 decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £425.**

**Background**

By application, received by the Tribunal on 27 October 2021, 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 £955.

The Application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 1 April 2015 at a monthly rent of £530 and a Rent Statement showing arrears as at 27 October 2021 of £955.

The Applicant stated that the Respondent had vacated the Property.

On 7 December 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 28 December 2021. Personal service of the case papers on the Respondent was unsuccessful and service was effected by advertisement on the Tribunal Housing and Property Chamber’s website between 2 February 2022 and 14 March 2022.

The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 14 March 2022. The Applicant was represented by Mrs Isabel Barclay of Morgan Law, solicitors, Dunfermline. The Respondent was not present or represented. The Applicant's representative confirmed that no payments had been received from the Respondent since the date of the application, but that the deposit of £530 had been returned to the Applicant. She asked the Tribunal to make an Order for Payment, for the reduced sum of £425, without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states 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 to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought, as amended to £425, had become lawfully due by the Respondent to the Applicant.

### **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

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Legal Member/Chair

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14 March 2022  
Date