



**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/19/2168

**Re: Property at 0/1 38 Banchory Avenue, Eastwood, Glasgow, G43 1EY (“the
Property”)**

Parties:

**Mr Iain Pritchard, Mrs Elizabeth Anne Pritchard, 9 Welltrees Street, Maybole,
KA19 7AW; 9 Welltrees Street, Maybole, KA19 7AW (“the Applicant”)**

**Mr James Travers, Ms Michelle Massey, 0/1 38 Banchory Avenue, Eastwood,
Glasgow, G43 1EY; 0/1, 38 Banchory Avenue, Eastwood, Glasgow, G43 1EY
 (“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 Two Thousand Nine Hundred and Seventy Five Pounds (£2,975).**

Background

By application, received by the Tribunal on 10 July 2019, the Applicant sought an Order for Payment in respect of unpaid rent and deposit. The sum sought was £2,675.

The application was accompanied by a copy of a tenancy agreement between the Parties, commencing on 26 March 2019 at a monthly rent of £595, with a deposit of £595 and copies of e-mail and text messages between the Parties. The Applicant stated in the application that £300 had been paid towards the deposit, but no rent whatsoever had been paid.

On 18 September 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 9 October 2019. The Respondent made no written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow on the morning of 22 October 2019. The Applicant was present. The Respondent was not present or represented. The Applicant told the Tribunal that the Respondent, Ms Massey, had indicated in a telephone call that she would be looking for time to pay but the Tribunal confirmed that no request for a Time to Pay Direction had been received. The Applicant stated that any such application would have been opposed, as the Respondent had failed to honour many promises to pay that had been made in e-mail and text exchanges between the Parties. The Applicant told the Tribunal that two payments had been received since the date of the application and the arrears currently stood at £2,975. A further rent payment was due on 26 October 2019. The Applicant was no longer seeking an Order in respect of the unpaid balance of deposit. The Applicant asked the Tribunal to grant the application 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 had become lawfully due by the Respondent to the Applicant. The e-mails and text messages between the Parties included a number of promises by the Respondent to pay the rent and the deposit, and the view of the Tribunal was that the Applicant had shown considerable patience, no rent whatever having been paid from the commencement of the tenancy on 26 March 2019 until August 2019. With its letter of 18 September 2019, the Tribunal had provided the Respondent with an application form for a Time to Pay Direction, and the Respondent had been invited to return a completed application form along with any written representations, by 9 October 2019. The Respondent had not submitted any written representations or a completed application form within the timescale given by the Tribunal.

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 Two Thousand Nine Hundred and Seventy Five Pounds (£2,975).

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

