

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/19/2239

Re: Property at 18 Queen Street, Tayport, DD6 9NE (“the Property”)

Parties:

Miss Emma Williamson, 63 Kilmany Road, Wormit, Newport on Tay, DD6 8PH (“the Applicant”) per her agent Mr Brian Webster of Downfield Property, 3-7, Discovery House, Gemini crescent, Dundee, DD2 1SW (“the Applicant’s Agent”)

Mr Paul Simpson, 18 Queen Street, Tayport, DD6 9NE (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an Order for Payment in the sum of THREE THOUSAND SIX HUNDRED AND FORTY THREE POUNDS AND TWENTY PENCE STERLING (£3,643.20) be granted.

Background

1. By application received on 17 July 2019 (“the Application”), the Applicant’s Agent, on behalf of the Applicant, made an application to the Tribunal for a payment order with interest in terms of Section 16 of the Act and in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) for rent due and owing by the Respondent to the Applicant. The Application comprised copy of a short assured tenancy agreement between the Parties at a monthly rent of £450.00, and a copy rent statement showing rent due and owing by the Respondent to the Applicant of £1,650.00 at the date of the Application together other expenses.²⁸

2. On 2 August 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion ("CMD") was fixed for 28 November 2019 at 10.00 at Caledonian House, Greenmarket, Dundee, DD1 4QX. The CMD was intimated to both Parties.

Case Management Discussion

3. The CMD took place on 28 November 2019 at 10.00 at the said Caledonian House. The Applicant was not present and was represented by Mr. Brian Webster, the Applicant's Agent, who confirmed the Order sought. The Respondent was not present and was not represented.
4. Mr. Webster advised me that no payments had been made and that the sum due by the Respondent had risen to £3,643.20. .

Findings in Fact

5. From the Application and the CMD I found that a tenancy agreement had existed between the Parties at a rent of £450.00 per month and that rent arrears and other expenses in terms of the tenancy amounting to £3,643.20 remains due and owing by the Respondent to the Applicant. .

Decision and Reasons for Decision

6. Having found that rent and interest amounting to £3,643.20 is due and owing by the Respondent to the Applicant, I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for 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.



Legal Member/Chair (Karen Moore)

28 November 2019

Date