



**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/18/2391**

**Re: Property at 63 Kelvin Way, Kilsyth, G65 9UN (“the Property”)**

**Parties:**

**Mrs Evelyn Chalmers, Williamswood, Shawend Farm, Kilsyth, G65 0QD (“the Applicant”)**

**Miss Johanna Gibson, 63 Kelvin Way, Kilsyth, G65 9UN (“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 a request to amend the application to increase the amount sought to £3,604.69 should be granted, that the application, as amended should be granted without a hearing and that an Order for payment by the Respondent to the Applicant of the sum of £3,604.69 should be made.**

**Background**

By application, received by the Tribunal on 9 August 2018, the Applicant sought an Order for payment in respect of arrears of rent for the Property. The Respondent was the tenant of the Property in terms of a lease which commenced on 29 July 2014 at a rent of £500 per month. The application was accompanied by a rent statement showing arrears as at the date of application of £1,313.96.

On 7 December 2018, the Tribunal advised the parties by letter of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 31 December 2018.

The Respondent made no written representations to the Tribunal.

**Case Management Discussion**

A Case Management Discussion was held at Glasgow Tribunals Centre on the morning of 9 January 2019. The Applicant was present and as supported by Alice

Martin. The Respondent was neither present nor represented at the Case Management Discussion.

The Applicant advised the Tribunal that she had provided updated rental statements, including a statement as at January 2019 and requested that the application be amended to increase the amount sought to £3,604.69. She confirmed that no payments had been received from or on behalf of the Respondent since the date of the application. She understood that the Respondent was no longer living in the Property and only returned from time to time to collect mail. The Applicant had, separately, commenced proceedings for eviction.

### **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 documentation and information it required and that it would, therefore, decide the application.

The Tribunal was prepared to accept the amendment to the application, increasing the amount sought, as the Respondent had not made any written representations, had chosen not to attend or be represented at the Case Management Discussion and would be well aware that the arrears of rent continued to mount after the date of the application, as she had made no payments since then.

### **Decision**

The Tribunal determined that the request to amend the application to increase the amount sought to £3,604.69 should be granted, that the application, as amended, should be granted without a hearing and that an Order for payment by the Respondent to the Applicant of the sum of £3,604.69 should be made.

### **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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**Date**

9 January 2019