



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/18/2786

Re: Property at 38 The Maltings, Montrose, DD10 8PE (“the Property”)

Parties:

Mr Ronald Ramsay, El Coral, Avendia del Carmen, Atico, Estepona, A24, 29680, Spain (“the Applicant”)

Mr Ryan Anderson, 22 High Street, Montrose, DD10 8JL (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of ONE THOUSAND FOUR HUNDRED AND TWENTY POUNDS (£1,420.00) STERLING should be granted against the Respondent.

STATEMENT OF REASONS

1. This case called for a Case Management Discussion on 28 January 2019 at 2pm. The Applicant was represented by Mr Donaldson. There was no appearance for or on behalf of the Respondent.
2. This Application for Civil Proceedings seeks an order for payment by the Respondent to the Applicant in the sum of £1,420.00. That sum is made up of rent arrears, under deduction of the tenancy deposit, all as more particularly set out in the Application and papers lodged in support thereof.
3. The Respondent has been served with a copy of the Application and supporting papers. He has had an opportunity to consider the terms thereof

and to defend this action. He has chosen not to. In the circumstances, I have determined that the facts stated in the Application are not in dispute.

4. I am required, when considering Applications, to have regard to the overriding objective in Rule 2 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"). In particular, I must determine applications expeditiously. In terms of Rule 18 of the Rules, I have the power to make a decision without a hearing if I consider that, having regard to such facts as are not disputed by the parties, I am able to make sufficient findings to determine the case, and to do so would not be contrary to the interests of the parties.
5. In the circumstances, I find-in-fact that:-
 - a. The Applicant was the Landlord, and the Respondent the tenant, of the Property under and in terms of a tenancy agreement dated 30 November 2017;
 - b. The Respondent was under obligation to make payment to the Applicant in the sum of £385 per calendar month;
 - c. The Respondent paid a tenancy deposit to the Applicant in the sum of £385;
 - d. The Respondent is in arrears of rent in the total sum of £1,805.00.
 - e. The sum due by the Respondent to the Applicant, under deduction of the tenancy deposit, is £1,420.00.
6. Accordingly, I grant an order for payment by the Respondent to the Applicant in the sum of £1,420.00.

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.

Mr Andrew Upton

Legal Member/Chair

Date

28 JANUARY 2019