



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 and the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/19/2856

Re: Property at Flat E, Fieldfare View, Dunfermline, KY11 8FY (“the Property”)

Parties:

Mr Kenny Lowrie, C/o CODA Estates, 2-4 Heath Avenue, Lenzie, G66 4LG (“the Applicant”) per his agents CODA Estates, 2-4, Heath Avenue, Lenzie, Glasgow, G66 4LG (“the Applicant’s Agents”)

Mr Mark Watson, Flat E, 60 Fieldfare View, Dunfermline, KY11 8FY (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that no order be granted.

Background

1. By application received between 11 September 2019 and 9 October 2019 comprising an application form, copy tenancy agreement and copy statement showing rent due and owing by the Respondent to the Applicant of £1,544.38 (“the Application”) the Applicant’s Agents applied to the Tribunal for a payment order. On 19 December 2019, a legal member of the Tribunal with delegated powers to do so, accepted the Application in terms of Rule 9 of the Rules and a Case Management Discussion (“CMD”) was fixed for 7 February 2020 at Riverside House, Edinburgh. The CMD was intimated to the Parties.

CMD

2. The CMD took place on 7 February 2020 at Riverside House, Edinburgh. The Applicant was not present and nor was he represented or had he submitted

written representations. The Respondent was not present and had not submitted written representations.

Decision and Reasons for Decision

3. There being no evidence or information to establish if the sum of £1,544.38 in rent remains due and owing by the Respondent to the Applicant, and having regard to Rule 17 of the Rules which allows that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision, the Tribunal made no order.

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.

K. Moore

Legal Member/Chair

7 February 2020

Date