



**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/19/2934

Re: Property at 14 Willow Crescent, Rosyth, KY11 2ZS (“the Property”)

Parties:

**Hilton of Rosyth NHT 2014 LLP, Kiloran Hall, Middle Balado, Kinross, KY13
0NH (“the Applicant”)**

Mr Rory Moir, 76 Primrose Avenue, Rosyth, KY11 2TX (“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 £1,392.69.**

Background

By application, received by the Tribunal on 18 September 2019, the Applicant sought an Order for Payment by in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,392.69.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, running from 8 May 2015 until 7 November 2015 and thereafter on a monthly basis until ended by either Party. The initial rent was £428.88 per month and the lease contained a provision for annual increases in line with the Consumer Price Index. The Applicant also provided the Tribunal with a rent statement showing arrears as at 18 September 2019 of £1,392.69 and advised that the tenancy had terminated at the end of May 2019. The sum sought represented the arrears as at the date of termination.

On 17 October 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 7 November 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy, on the morning of 19 November 2019. The Applicant was represented by their Property manager, Mr William Dodd. The Respondent was not present or represented. The Applicant's representative advised the Tribunal that no payments had been received since the date of the application and asked the Tribunal to make the Order 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.

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 £1,392.69.

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

Legal Member/Chair

19 November 2019

Date