

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/19/3339

Re: Property at 43A Fullarton Street, Kilmarnock, KA1 2QX (“the Property”)

Parties:

Mrs Martha Speirs, 25 Mure Avenue, Kilmarnock, KA3 1UH (“the Applicant”)

**Mr Neil D Mackie, 43A Fullarton Street, Kilmarnock, KA1 2QX (“the
Respondent”)**

Tribunal Member:

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 decided without a
Hearing and made an Order for payment by the Respondent to the Applicant of
the sum of £1,600.**

Background

By application, received by the Tribunal on 17 October 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent. The sum sought was rent payable by the Respondent of £800 with a further £400 per month until the date of the Respondent’s eviction.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties running from 27 May 2016 to 26 November 2016 and, if not terminated on that date, continuing on a monthly basis until ended by either Party. The Applicant also provided a Rent Statement showing arrears as at 1 October 2019 of £5,750. The Applicant stated that the Tribunal had, in a previous application (FTS/HPC/CV/19/2396) made an Order for payment of £4,950. No rent had been received from the Respondent since 31 May 2019.

On 15 November 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 6 December 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street Glasgow on the morning of 18 December 2019. The Applicant was present but the Respondent was not present or represented. The Applicant advised the Tribunal that the arrears presently stood at £1,600 and produced an updated Rent Statement to that effect. She asked the Tribunal to make the Order for Payment 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 could decide the application without a Hearing.

The Tribunal was satisfied that rent of £17,200 had become lawfully due by the Respondent to the Applicant since the commencement of the tenancy and that he had paid £10,650. The sum of £4,950 had been awarded by the Tribunal in an earlier application, leaving arrears of £1,600. The Tribunal decided to make an Order for Payment of that sum.

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

18 December 2019

Date