



**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/19/3565**

**Re: Property at 51/1, South Gyle Broadway, Edinburgh, EH12 9LR (“the  
Property”)**

**Parties:**

**Mr Martin Spears, 15 Barnyard Park Rigg, Edinburgh, Midlothian, EH12 9LJ  
 (“the Applicant”)**

**Mr Jamie Munro, 58 Northfield Farm Avenue, Edinburgh, EH8 7QW (“the  
Respondent”)**

**Tribunal Members:**

**Petra Hennig-McFatridge (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 £825 should be  
granted in favour of the Applicant.**

**Procedural Background:**

**Background:**

The application was received on 6 November 2019. The application asked for an order for payment then of £825 rent arrears.

Attached to the application were:

1. the Tenancy Agreement for the property commencing 17 January 2017 with copy AT5 document
2. rent statement to 17 March 2019 with rent notes

A Case Management Discussion (CMD) was scheduled for 14 January 2020. Both parties advised of the date, time and venue. Service on the Respondent was carried out by Sheriff Officers on 11 December 2019.

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The Tribunal thus considers that the appropriate notice has been given to the Respondent.

No representations were received from the Respondent. The Respondents had not contacted the Tribunal prior to the CMD and did not attend.

### **The Case Management Discussion**

The Applicant did not attend the CMD but was represented by Mr McIntosh from Mattac as local agent for Jackson Boyd Lawyers LLP, the Applicant's legal representatives. The Respondent did not attend.

Mr McIntosh advised the Tribunal that the arrears still stand at £825, which represents the rent arrears of the rent due on 17 February 2019 and 17 March 2019 of a total of £1,850 less the payment received by the Applicant from the deposit towards the rent arrears of £1,025. No further contact had been made by the Respondent and the property had been abandoned on or around 17 April 2019. Mr McIntosh referred the Tribunal to the documents lodged with the application, which are referred to for their terms and held to be incorporated herein.

There were no representations from the Respondent.

### **Findings in Fact:**

- 1. The parties entered into a Short Assured Tenancy for the property with a start date of 17 January 2017 (CLAUSE 3)**
- 2. Rent of £950 per month was payable monthly in advance on the 17th day of the month (CLAUSE 4)**
- 3. the tenancy ended when the Respondent moved out on or around 17 April 2019**
- 4. no rent payments were received for the rent from 17 February 2019 to 16 March 2019 and 17 March 2019 to 16 April 2019**
- 5. at the end of the tenancy there were arrears of rent of £1,850**
- 6. a deposit of £1,025 had been paid for the property by the Respondent and was used towards the outstanding rent arrears**
- 7. the outstanding amount as of 14 January 2020 is £825.**

### **Reasons for the Decision:**

The Tribunal make the decision on the basis of the written evidence lodged by the Applicant and the information given at the hearing by the Applicant.

In terms of Rule 17 of the Rules of Procedure:

Case management discussion

17.—(1) The First-tier Tribunal may order a case management discussion to be held—

- (a) in any place where a hearing may be held;
- (b) by videoconference; or
- (c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

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(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

- (a) identifying the issues to be resolved;
- (b) identifying what facts are agreed between the parties;
- (c) raising with parties any issues it requires to be addressed;
- (d) discussing what witnesses, documents and other evidence will be required;
- (e) discussing whether or not a hearing is required; and
- (f) discussing an application to recall a decision.

(4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

However, in terms of Rule 18 of the Rules of Procedure:

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,  
a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

The Respondent had fair notice of the application. The Respondent did not make any written representations and did not attend the CMD. The Tribunal did not consider that there was any need for a hearing as the facts of the case were not disputed and the evidence was sufficient to make the relevant findings in fact to determine the case.

The Applicant is seeking an order for payment of rent arrears for the property.

In terms of the tenancy agreement the Applicant is entitled to monthly rental payments of £925. At the end of the tenancy and after application of the deposit towards the arrears accrued, the sum of £825 remains unpaid.

There was no defence to the action. The Respondent did not dispute that as of 10 January 2020 the rent arrears still outstanding are £825. These are the arrears intimated and stated in the application.

The Applicant is entitled to an order for payment by the Respondent for the amount of £825.

## **Decision**

**The Tribunal grants an order against the Respondent for payment of the sum of £825 to the Applicant.**

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## 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.

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Legal member/Chair

Date

14.1.2020