



**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/18/2317

Re: Property at 65 Knowehead Road, Kilmarnock, KA1 5EQ (“the Property”)

Parties:

Mr Alan Quinn, Mrs Eileen Quinn, 6 Edenhall Grove, Glasgow, G77 5TS (“the Applicant”)

Mr Matthew Conn, Ms Angie Speirs, 65 Knowehead Road, Kilmarnock, KA1 5EQ (“the Respondent”)

Tribunal Members:

Alison Kelly (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 in the amount of £3119.18 should be granted.

Background

The application proceeded to a Case Management Discussion on 25th March 2019. There was no appearance by the Respondents. The Applicants wished to amend the sum sought and the Case Management Discussion was adjourned to allow them to do so.

The Applicants sent a letter to the Tribunal, and to the Respondents, on 9th April 2019, seeking to amend the sum and providing the reasons why. This letter complied with Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Case Management Discussion

The Applicant, Eileen Quinn, attended, representing herself and her husband. The Respondents did not appear and were not represented.

The Chairperson introduced herself and explained the purposes of a Case Management Discussion.

Mrs Quinn said that she was looking for a payment order in the amount of £4381.60. This comprised of rent arrears of £3119.18, and legal fees of £1262.42. The amendment letter provided a full breakdown.

The Chairperson confirmed that she was prepared to grant the order for £3119.18, but was not prepared to grant the order for payment of legal fees. This was a matter not included in the original application, and could not be introduced by way of amendment. In addition, there was nothing in the lease which made the Respondents liable for the Applicants' legal fees.

Findings In Fact

1. The parties entered in to a tenancy agreement for rent of the property.
2. The rent was £475 per calendar month.
3. The Respondents were in arrears in the amount of £3119.18.

Reasons For Decision

The Respondents are in arrears to the extent of £3119.18.

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.

A Kelly

Legal Member/Chair

Date

9/5/19