



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
2014**

Chamber Ref: FTS/HPC/CV/18/2331

Re: Property at 85 Wallace Street, Greenock, PA16 9BL (“the Property”)

Parties:

**Mr Thomas McWatt and Mrs Theresa McWatt, both Flat 2/2, 1 Redwood Court,
Cambell Street, Greenock, PA16 8BW (“the Applicant”)**

Mr Robert Swan, 85 Wallace Street, Greenock, PA16 9BL (“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 One Thousand Two Hundred an Ninety Pounds.

Background

By application, received by the Tribunal on 3 September 2018, the Applicant sought an Order for Payment of £1,290. The application was accompanied by copies of a Short Assured Tenancy of the Property from 23 August 2017 to 23 August 2018 and after that on a calendar monthly basis at a rent of £425 per month, and a Rent Statement showing the sum of £1,290 outstanding as at 1 August 2018.

The Tribunal advised the Parties by letter dated 2 November 2018 of the date and place of a Case Management Discussion and invited the Respondent to make written representations no later than 19 November 2018. The Respondent made no written representations to the Tribunal.

The Case Management Discussion

A Case Management Discussion was held at Gamble Halls, 44 Shore Road, Greenock, on the morning of 23 November 2018. The Applicant attended the Case Management Discussion. The Respondent was not present or represented.

The Applicant told the Tribunal that no rent had been received from the Respondent since the date of the application and it appeared that the Respondent had recently vacated the Property.

Reasons for Decision

By Rule 18 of the Schedule to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, the Tribunal may at a Case Management Discussion do anything 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 in order to make a decision and that it could determine the application without a hearing.

The Tribunal noted that the rent statement included three late payment charges of £5. The Short Assured Tenancy did not provide for late payment charges, although it did provide for interest on unpaid rent, but as the Tribunal had been told by the Applicant that no rent had been received since the date of the application, the Tribunal was satisfied that the amount owed by way of arrears exceeded the amount sought in the application.

Decision

The Tribunal decided to grant the application without a hearing and to make an Order for Payment by the Respondent to the Applicant of the sum sought, namely £1,290.

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.

G Clark

Legal Member/Chair

23 November 2018

Date