

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/18/3264

**Re: Property at 58 Dunlop Street, Greenock, Renfrewshire, PA16 9BH (“the
Property”)**

Parties:

**Mr Colin Burns, 9 St Johns Manor, 4 Barrhill Road, Gourock, Renfrewshire,
PA19 1JR (“the Applicant”)**

**Ms Lynne Doherty, 9C Tobago Street, Greenock, Renfrewshire, PA15 1PB (“the
Respondent”) , together referred to as “the Parties”**

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Order be granted.**

Background

1. This is an application dated 29 November 2018 (“the Application”) for an order for payment of rent arrears amounting to £1,980.00 arising out of a short assured tenancy agreement between the Parties commencing on 14 August 2015 in terms of which the Respondent was obliged to pay rent at the rate of £595.00 per month.
2. The Application was accepted by a legal member of the First-tier Tribunal with delegated powers of the Chamber President and a Case Management Discussion (CMD) was fixed for 10.00 on 17 January 2019 at the Gamble Halls, 4, Shore Road, Gourock, PA19 1RG.
3. Neither party appeared at the CMD and, as the legal member of the First-tier Tribunal could not be certain that the Parties had been properly notified, a

further CMD was fixed for 10.00 on 4 April 2019 at the Gamble Halls, 4, Shore Road, Gourock, PA19 1RG

Case Management Discussion

4. The further CMD took place at 10.00 on 4 April 2019 at the Gamble Halls, 4, Shore Road, Gourock, PA19 1RG. The Applicant was present and accompanied by Ms, Margaret Gillfillan, his supporter in terms of Rule 11 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"). The Respondent was not present.
5. The Applicant confirmed to me that the sum sought by him is £1,980.00 as specified in the Statement of Account which forms part of the Application and confirmed that this sum remains due and owing by the Respondent. The Applicant confirmed that the tenancy deposit of £695.00 paid by the Respondent to him had been recovered by him and applied to the rent due by the Respondent. This deduction is reflected in the said Statement of Account

Findings in Fact and Reasons for Decision

6. Having no reason to disbelieve the Applicant and being satisfied that the sum due and owing to him by the Respondent is as stated in the said Statement of Account, I determined that the order for payment as sought by the Applicant should be granted.
7. Being so satisfied and having regard to Rule 17(4) of the Rules which states that a First-tier Tribunal may do anything at a case management discussion which it may do at a hearing including making a decision, I decided to grant the order without further procedure.

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.

K Moore

Legal Member/Chair

4 April 2019

Date