



**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/18/3401

Re: Property at Galabank House, 5 Guysgill, Annan, DG12 5DY (“the Property”)

Parties:

Mr Alastair Bruce Warwick, 35 Moorpark, Carlisle, CA2 7LZ (“the Applicant”)

Ms Angela Clow, Galabank House, 5 Guysgill, Annan, DG12 5DY (“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 £6,000.

Background

By application, received by the Tribunal on 13 December 2018, the Applicant sought an Order for Payment of £3,600 in respect of rent that had become lawfully due by the Respondent but which remained unpaid. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the parties commencing on 7 April 2015 at a rent of £600 per month and by a rental statement showing arrears of rent of £3,600 as at 6 December 2018.

On 22 February 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 12 March 2019.

The Respondent made no written representations to the Tribunal.

On 22 February 2019, the Applicant’s representative wrote to the Tribunal, requesting an amendment to the application to increase the amount sought to £6,000, as no rental payments had been made since the date of the application..

Case Management Discussion

A Case Management Discussion was held at Lochvale House, Georgetown Road, Dumfries on the morning of 15 March 2019. The Applicant was present and was represented by Jill Irvine and Cameron McCartney of Brazenall & Orr, solicitors, Dumfries. The Respondent was not present or represented at the Case Management Discussion.

The Applicant's representative asked the Tribunal to make an 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 documentation and information it required and that it would decide the application without a hearing.

The Tribunal was content to amend the application to increase the amount sought to £6,000, the increase representing rent payments which had become lawfully due on 7 December 2018 and 7 January, 7 February and 7 March 2019.

Decision

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 £6,000.

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

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

15 March 2019

Date