



**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/19/0426

Re: Property at 55 Glasgow Road, Barrhead, G78 1BT (“the Property”)

Parties:

Mr Colin Poma-Young, 36 Morton Lane, Beverley, HU17 9DB (“the Applicant”)

Ms Natalie McWilliams, 55 Glasgow Road, Barrhead, G78 1BT (“the Respondent”)

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 an Order for Payment in the sum of FOUR HUNDRED AND SEVENTY POUNDS AND FIFTEEN PENCE (£470.15)

Background

1. By application received between 7 February 2019 (“the Application”), the of the Applicant made an application to the Tribunal for a payment order in terms of Rule 70 of the Rules. A copy of the tenancy agreement, a copy guarantee and a rent due and paid statement were lodged as part of the Application.
2. On 7 February 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 11 April 2019, postponed to 14 May 2019 and postponed again to 21 June 2019 at 11.30 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to both parties.

Case Management Discussion

3. The CMD took place on 21 June 2019 at 11.30 at the said Glasgow Tribunal Centre. The Applicant present. The Respondent was not present and was not represented.
4. I discussed the Application with the Applicant and in particular drew his attention to:-
 - i) The second-named respondent on the Application had not been served with the Application and it is not clear from the Application if the second-named respondent is still liable in terms of the guarantee.
 - ii) Part of the sum claimed appears to be for a period which post dates the end of the tenancy.
5. The Applicant advised me that he did not seek an order against the second-named respondent and did not seek payment beyond the date on which he recovered possession of the Property being 29 December 2018

Findings in Fact

6. From the Application and the CMD I found that a tenancy agreement had existed between the Parties at a rent of £650.00 per month rent amounting to £470.14 plus 22 days interest amounting to 1pence is due and owing by the Respondent in that regard.

Decision and Reasons for Decision

7. Having found that rent and interest amounting to £470.15 is due and owing by the Respondent to the Applicant, I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for payment.

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

21 June 2019

Date