



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 14 of the Housing (Scotland) ACT 2014

Chamber Ref: FTS/HPC/CV/19/0921

Re: Property at 40 Mossbank, Prestwick, KA9 1DT (“the Property”)

Parties:

Mr Adam Harding, 1 Carnell Terrace, Prestwick, KA9 1EA (“the Applicant”)

Miss Jennifer King, 40 Mossbank, Prestwick, KA9 1DT (“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 decided without a hearing and that the application should be granted. The Tribunal made an Order for Payment by the Respondent to the Applicant of the sum of Two Thousand Six Hundred and Forty Five Pounds.

Background

By application, received by the Tribunal on 21 March 2019, the Applicant sought an Order for Payment for £1,400 in respect of unpaid rent lawfully due by the Respondent as tenant of the Property. The application was accompanied by a copy of a Private Residential Tenancy Agreement, commencing on 15 August 2018 at a rent of £570 per month, a copy Bank Statement, showing one incoming payment (on 28 February 2019) from the Respondent of £400 since 15 November 2018, and a copy of a Payment Plan, showing arrears as at 13 March 2019 of £1,400.

On 13 April 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 1 May 2019.

The Respondent made no written representations to the Tribunal.

On 29 April 2019, the Applicant e-mailed the Tribunal with an updated Payment Plan statement and a Bank Statement to 1 April 2019. The Bank Statement did not disclose any further payments by the Respondent after 28 February 2019 and the

Payment Plan showed arrears as at 28 April 2019 of £2,645. Copies of the Applicant's representations were sent to the Respondent.

Case Management Discussion

A Case Management Discussion was held at Russell House, King Street, Ayr, on the morning of 14 May 2019. The Applicant was present. The Respondent was not present or represented.

The Applicant asked to Tribunal to increase the amount sought to £2,645 and to grant the application 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 information and documentation it required and that it would decide the application without a hearing.

The Tribunal was satisfied that the sum sought represented unpaid rent that had become lawfully due by the Respondent to the Applicant and that the sum sought should be amended to £2,645 and the application should be granted.

Decision

The Tribunal determined that the application should be decided without a hearing, and that the application should be granted. The Tribunal made an Order for Payment by the Respondent to the Applicant of the sum of Two Thousand Six Hundred and Forty Five Pounds.

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

14 May 2019

Date