



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section under Section 16 of the Housing (Scotland) Act 2014 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).

Chamber Ref: FTS/HPC/CV/19/1245

Re: Property at 2 Manderston Meadows, Newton Mearns, G77 6GL (“the Property”)

Parties:

Mr Shaan Hussain and Ms Asima Hussain, both residing at 75 Capelrig Road, Newton Mearns, G77 6UF (“the Applicants”) per their agents, Cleanturnaround Ltd., The Botanics, 0/1, 5 Hamilton Gardens, Glasgow, G12 8BD (“the Applicants’ Agents”)

Mr John Niven and Mrs Nicola Niven, both residing at 2 Manderston Meadows, Newton Mearns, G77 6GL (“the Respondents”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) an Order for Payment in the sum of SEVEN THOUSAND POUNDS STERLING (£7,000.00) be granted.

Background

1. By application received between 23 April 2019 and 10 May 2019 (“the Application”), the Applicants’ Agents, on behalf of the Applicants, made an application to the Tribunal in terms of Rule 70 of the Rules for an order for payment for the sum of £4,200.00 being rent due and owing by the Respondents to the Applicants at 18 April 2019 and for rent which might fall due and owing by the Respondents to the Applicants from that date to the date of any order which might be granted.

2. The Application comprised a copy of a short assured tenancy agreement between the Parties in terms of the Housing (Scotland) Act 1988 and a document headed "Rent Ledger for 2 Manderston Meadow, G77 6GL" showing of rent due and paid by the Respondent to the Applicant and showing a negative balance of £4,200.00 at 18 April 2019.
3. On 22 May 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 10 July 2019 at 10.00 at The Glasgow Tribunals Centre, Room 108, 20, York Street, Glasgow, G2 8GT. The CMD was notified to the Parties.

Case Management Discussion

4. The CMD took place on 10 July 2019 at 10.00 at the said Glasgow Tribunals Centre. The Applicants were not present and were represented by Ms. Anne Alexander and Ms. Wilma Edwards of the Applicants' Agents who confirmed the Order sought is for the sum of £7,000.00 being the rent due and owing by the Respondents to the Applicants at the date of the CMD. The Respondents were not present and were not represented.

Findings in Fact

5. From the Application and the CMD and having no evidence or representation from the Respondents to the contrary, I found no reason to disbelieve the Applicants' Agents that rent amount to £7,000.00 is due and owing to the Applicants by the Respondents.

Decision and Reasons for Decision

6. 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

10 July 2019

Date