



**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/19/1438

Re: Property at Flat 2/3, 76 Main Street, Rutherglen, G73 2HY (“the Property”)

Parties:

Mrs Edith Allan, 15A Richmond Drive, Rutherglen, G73 3JH (“the Applicant”)

Miss Denise Blyth, whereabouts unknown (“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 £1,750.

Background

By application, received by the Tribunal on 10 May 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent. The sum sought was £1,750, being £325 due on 26 December 2018 and £475 due on each of 26 January, 26 February and 26 March, all 2019.

The application was accompanied by a tenancy agreement commencing on 26 July 2018 at a rent of £475 per month and a copy bank statement to 1 May 2019, showing rental payments by the Respondent, the last of which was the sum of £150 received on 23 January 2019.

On 24 June 2019, the Applicant advised the Tribunal that the Respondent had vacated the Property without providing a forwarding address.

On 5 September 2019, the Tribunal advised the parties of the date, time and venue for a Case Management Discussion. The notification letter was served on the Respondent by advertisement on the Housing and Property Chamber website between 5 September 2019 and 11 October 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre, York Street, Glasgow on the morning of 11 October 2019. The Applicant attended and was accompanied by her husband Mr John Allan. The Respondent was not present or represented. The Applicant confirmed that no further payments had been received from the Respondent since the date of the application and asked the Tribunal to grant the application without a Hearing. The Respondent added that she would have been seeking an amendment to increase the amount sought, as the Respondent had failed to pay the rent which had become due on 26 April 2019 and had not moved out until 30 May 2019, but the Respondent had recovered from SafeDeposits Scotland the full deposit of £475, so the amount sought remained at £1,750.

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 determine the application without a Hearing.

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 £1,750.

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.

George Clark

Legal Member/Chair

11 October 2019

Date