



**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/19/0736**

**Re: Property at 31 Glebe Park, Inverkeithing, Fife, KY11 1LT (“the Property”)**

**Parties:**

**Mrs Jacqueline Welsh, 45 Green Acres, Kingseat, Fife, KY12 0RW (“the Applicant”)**

**Mr David Barrie, 31 Glebe Park, Inverkeithing, Fife, KY11 1LT (“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 One Thousand Eight Hundred and Twenty Pounds and Ten Pence (£1,820.10).**

**Background**

By application, received by the Tribunal on 6 March 2019, the Applicant sought and Order for Payment against the Respondent in respect of unpaid rent for the Property which had become lawfully due.

The application was accompanied a partial copy of a Short Assured Tenancy Agreement between the Parties, a copy AT5 Notice dated 17 December 2010 and by a rent statement showing arrears as at 25 February 2019 of £1,820.10. The last payment by the Respondent had been the sum of £35 on 25 February 2019 and the last payment prior to that date had been £349.63, received on 28 September 2018.

On 24 April 2019, the Tribunal advised the Parties of the date, time and venue of a Case Management Discussion and the Respondent was invited to make written representations by 12 May 2019.

The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy on the morning of 22 May 2019. The Applicant was present and was represented by Miss Natalie Welsh of Homes in Focus Limited, 3 Pit Road, Cowdenbeath. The Respondent was not present or represented.

The Applicant advised the Tribunal that, since the date of the application, the Respondent had paid two further sums towards the arrears, namely £20 on 4 March 2019 and £500 on 9 April 2019, but further rent payments of £420 had become due on each of 1 March, 1 April and 1 May 2019. The arrears currently stood at £2,560.10 and provided the Tribunal with an updated rent statement showing that sum. The Applicant accepted that she could not request an Order for an increased amount.

The Applicant's representative asked the Tribunal 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 was lawfully due by the Respondent to the Applicant and that it would grant the application.

### **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 One Thousand Eight Hundred and Twenty Pounds and Ten Pence (£1,820.10).

### **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

22 May 2019  
Date