



**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/19/2066**

**Re: Property at 33 Clyde Street, Grangemouth, FK3 8EU (“the Property”)**

**Parties:**

**Mr James Paton, 38 Dundas Street, Grangemouth, FK3 8BX (“the Applicant”)**

**Mr Gregor Alexander McNiven, Whereabouts unknown (“the Respondent”)**

**Tribunal Members:**

**Jim Bauld (Legal Member)**

**Decision (in absence of the Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of £6,400.00

**Background**

By application received between 4 July 2019 and 1 August 2019, the applicant sought an order under section 16 of the Housing (Scotland) Act 2014 and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

On 12 August 2019, the application was accepted by the Tribunal and referred for determination by the tribunal.

**The Case Management Discussion**

- 1) After sundry initial procedure, a Case Management Discussion (CMD) took place on 24 January 2020. Intimation of that CMD was given to parties.

- 2) Intimation on the respondent was done by service by advertisement on the website of the Tribunal.
- 3) The applicant was represented by his solicitor, Ms Laura Grant. The respondent did not attend
- 4) The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the applicant's solicitor confirmed that she wished the tribunal to grant the order sought in the application

### **Findings in Fact**

- 1) The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property on 24 February 2015
- 2) The tenancy was a short assured tenancy in terms of the Housing (Scotland) Act 1988
- 3) The tenancy ended on or around 10 August 2019
- 4) As at the end of the tenancy, the respondent owed rent arrears to the applicant in the sum of £6,400.00. Appropriate accounting had been provided with the application to the tribunal.

### **Decision**

The order for payment of arrears is granted. The tribunal is satisfied, based on the evidence presented on behalf of the applicant and which is reflected in the Findings in Fact, that rent arrears of £6,400 are outstanding and are due to be paid by the respondent

### **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.

  
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**Legal Member/Chair**

*24 January 2020*  
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**Date**