

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/19/2396**

**Re: Property at 43A Fullarton Street, Kilmarnock, KA1 2QX (“the Property”)**

**Parties:**

**Mrs Martha Speirs, 25 Mure Avenue, Kilmarnock, KA3 1UH (“the Applicant”)**

**Mr Neil D Mackie, 43A Fullarton Street, Kilmarnock, KA1 2QX (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

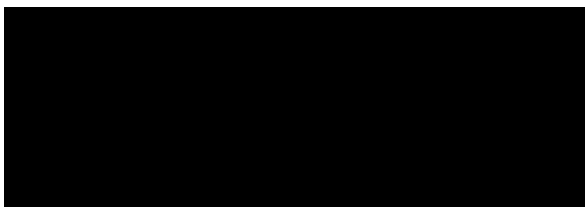
**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of four thousand nine hundred and fifty pounds (£4950).**

This was a case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014, ‘the Act’.

The application was made on 1 August 2019 by Mrs Martha Speirs. Mrs Speirs attended the CMD. The respondent did not attend and was not represented. Service was effected on the respondent by sheriff officers on 20 August 2019. The tribunal had before it the following copy documents:

1. Application dated 1 August 2019 and received by the Tribunal on that date.
2. Lease between the parties.



3. Rent statement
4. Sheriff Officer's execution of service.

### **Discussion**

Mrs Speirs stated that the rent arrears have continued to accrue. As at the date of the application the arrears were £4950. The applicant has not made any application in terms of rule 13 to amend the amount sought. Mrs Speirs was content for the tribunal to make an order today for the sum of £4950 and would make a further application for the further sums that she considers are now due.

### **Findings in fact**

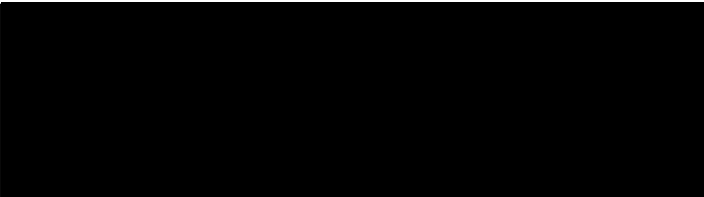
1. The applicant is the owner of the property at 43A Fullarton Street Kilmarnock.
2. The respondent and applicant entered into a tenancy agreement for the rental of the property in May 2016 with a monthly rent of £400.
3. Rent arrears of £4950 accrued between January 2017 and August 2019.
4. The sum of £4950 remains outstanding.

### **Reasons**

The tribunal was satisfied that the respondent had received appropriate notice of today's CMD in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure has been fair.

### **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.**



\_\_\_\_\_  
Lesley A Ward Legal Member

1 October 2019

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Date