



**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/18/2824

**Re: Property at 4 Market Street, Haddington, East Lothian, EH41 3JL (“the
Property”)**

Parties:

**Mr Andrew Aitken, Scotsraig, East Linton, East Lothian, EH40 3DH (“the
Applicant”)**

**Mr Peter Little, 4 Market Street, Haddington, East Lothian, EH41 3JL (“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 decided without a hearing
and that it would grant the application. The Tribunal made an Order requiring
the Respondent to pay to the Applicant the sum of Three Thousand Eight
Hundred and Ninety Two Pounds.**

Background

By application, received by the Tribunal on 22 October 2018, the Applicant sought an Order for Payment of the sum of £3,892 in respect of unpaid rent for the Property. The application was accompanied by copies of a Short Assured Tenancy Agreement, commencing on 26 November 2016 at a rent of £440 per month and, if not ended by either party on 26 May 2017, continuing on a monthly basis until ended by either party. It was also accompanied by a Notice to Quit dated 18 September 2018 and a Form AT6 Notice dated 19 September 2018, with proof of personal service by sheriff officer of both Notices on the Respondent on 20 September 2018. The Applicant also provided the Tribunal with a Statement of Rent showing a balance outstanding as at October 2018 of £3,892.

By letter dated 21 November 2018, 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 7 December 2018. The Respondent made no written representations to the Tribunal.

The Case Management Discussion

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 14 December 2018. The Applicant was represented by Callum Macleod of Garden Stirling Burnet, solicitors, 121 High Street, Tranent, East Lothian EH33 1LW. The Respondent was not present or represented at the Case Management Discussion.

The Applicant's representative told the Tribunal that he understood that no payments had been received from the Respondent since the date of the application.

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 of the view that it had before it all the information and documentation it required and that it would make a decision without a hearing.

The Tribunal was satisfied that the sum sought in the application was lawfully due by the Respondent to the Applicant.

Decision

The Tribunal determined that the application should be decided without a hearing and that it would grant the application and would make an Order requiring the Respondent to pay to the Applicant the sum of £3,892 sought in the application.

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

14 December 2018

Date