



**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/19/3418

**Re: Property at 69 Barkhill Road, Linlithgow, West Lothian, EH49 6BY (“the
Property”)**

Parties:

**Mr John Ewart, 14 Barkhill Road, Linlithgow, West Lothian, EH49 6GZ (“the
Applicant”)**

Miss Tracy Gorman, 321 High Street, Linlithgow, EH49 7AT (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment by the Respondent to the
Applicant in the sum of SEVEN HUNDRED AND FORTY FIVE POUNDS AND TEN
PENCE (£745.10) STERLING should be granted.**

Findings in Fact

1. The Respondent was the tenant of the Applicant in respect of the property at 69 Barkhill Road, Linlithgow.
2. The Applicant previously obtained orders for eviction and payment against the Respondent from the Tribunal. The order for payment was for the period up to and including 29 March 2019.
3. The Respondent removed from the Property on 7 May 2019.
4. During the period 30 March 2019 until 7 May 2019, the Respondent remained in occupation of the Property and made no payment to the Applicant in respect of her continuing occupation.

Findings in Fact and Law

1. The Applicant is entitled to payment of the sum of £745.10 from the Respondent for the Respondent's occupation of the Property between 30 March 2019 and 7 May 2019.

Reasons for Decision

1. This case called on 18 March 2020 for a Case Management Discussion by telephone conference call. The Applicant was present on that call. The Respondent was neither present nor represented.
2. The Applicant seeks an order for payment by the Respondent of the sum of £745.10. In terms of the application, the Applicant asserts the following:-
 - a. The Respondent was the tenant of the Applicant in respect of the property at 69 Barkhill Road, Linlithgow.
 - b. The Applicant previously obtained orders for eviction and payment against the Respondent from the Tribunal. The order for payment was for the period up to and including 29 March 2019.
 - c. The Respondent removed from the Property on 7 May 2019.
 - d. During the period 30 March 2019 until 7 May 2019, the Respondent remained in occupation of the Property and made no payment to the Applicant in respect of her continuing occupation.
 - e. The Applicant is entitled to payment of the sum of £745.10 from the Respondent for her occupation of the Property between 30 March 2019 and 7 May 2019.
3. The Respondent has had notice of those assertions in the Application and has chosen not to avail herself of the opportunity to oppose those assertions. I am therefore satisfied that those assertions are not in dispute.
4. Accordingly, I am satisfied that I have sufficient information before me to make an order in this case. I find that the Respondent is liable to make payment to the Applicant in the sum of £745.10. I shall grant the order sought.

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.

Mr Andrew Upton

18/03/2020

Legal Member/Chair

Date