

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/18/1710

**Re: Property at The Former Lochend Church, Beeswing, Dumfries, DG2 8PE
("the Property")**

Parties:

Miss Carla Lynch, 35 Mill Lane, Oxted, Surrey, RH8 9DF ("the Applicant")

**Mr Keith Bulman, The Former Lochend Church, Beeswing, Dumfries, DG2 8PE
("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 an Order made for the Respondent to pay to the Applicant the sum of Seven Thousand Pounds (£7,000)

Background

By application, received by the Tribunal on 9 July 2018, the Applicant sought an Order for payment by the Respondent to the Applicant of Seven Thousand Pounds in respect of arrears of rent for The Former Lochend Church, Beeswing, Dumfries.

The application was accompanied by a copy of an undated Rent to Buy Agreement, whereby the Respondent agreed to pay the sum of One Thousand Pounds per month for a period of 9 months and Six Hundred and Fifty Pounds per month for a further 3 months, with an option to purchase the Property at an agreed price by the end of January 2019. The Applicant stated in the application that the tenancy had commenced on 25 January 2018 and that the Respondent had made no rental payments. Accordingly, the Applicant sought an Order for payment of the rent which had fallen due from 25 January to 25 July 2018.

On 8 September 2018, the Tribunal advised the parties in writing that a Case Management Discussion would take place on 3 October 2018. The Respondent was invited to make written representations by 25 September 2018. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Lochvale House, Georgetown Road, Dumfries on the afternoon of 3 October 2018. The Applicant was represented by Miss Alistair Stevenson of McJerro and Stevenson, solicitors, Lockerbie. The Respondent was neither present nor represented.

The Applicant's representative advised the Tribunal that no sums had been received since the date of the application and asked the Tribunal to make the Order requested without a hearing.

The Applicant's representative also told the Tribunal that the Rent to Buy Agreement had been sent by the Applicant to the Respondent, but that he had failed to sign and return it.

Reasons for Decision

Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that "The First-tier 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 that it required in order to make a decision and that, as the Respondent had not made any written representations and was not present or represented, it was able to decide the application without a hearing.

The Tribunal was satisfied that, whilst it had not seen a dated and signed copy of the Rent to Buy Agreement, the evidence led by the Applicant's representative was that it had been sent to the Applicant, who had not signed and returned it. The Tribunal was satisfied that the Respondent had acted on the faith of the contract by moving in to the Property and that a valid contract was in place.

Decision

The Tribunal determined that the sum sought by the Applicant was lawfully due and that the application should be granted.

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

George Clark
Chair

3 October 2018