

**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 ("the Act") and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017**

**Chamber Ref: FTS/HPC/CV/18/3153**

**Re: Property at Flat 3/1, 102 Neilston Road, Paisley, PA2 6EN ("the Property")**

**Parties:**

**Mr Damien Fry, 46 James Street, Carnoustie, DD7 7JY ("the Applicant")**

**Mr Grant Hamilton, Flat 2/2, 1 Kilpatrick Crescent, Paisley, PA2 8AA ("the Respondent")**

**Tribunal Members:**

**Karen Moore (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 in the sum of THREE HUNDRED AND FIVE POUNDS STERLING (£305.00) be granted.**

1. By application dated 19 November 2018 ("the Application"), the Applicant made an application to the Tribunal for a payment order in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules") in respect of rent amounting to £305.00 due and owing to them by the Respondent. A copy of the tenancy agreement between the parties and a rent statement of rent due and paid by the Respondent was also lodged.
2. On 9 January 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion ("CMD") was fixed for 21 February 2019 at 10.00 at the Glasgow Tribunal Centre, 20 York Street, Glasgow. The CMD was intimated to both parties.

3. The Respondents made no written representations to the Tribunal.

#### **Case Management Discussion**

4. The CMD took place on 11 January 2019 at 10.00 at the said Glasgow Tribunal Centre. The Applicant appeared on his own behalf. The Respondent was not present.
5. The Applicant advised me that rent due by the Respondent at the date on which the Respondent vacated the Property amounted to £305.00 as evidenced by the statement lodged. He advised me further that the Respondent had paid a deposit of £500.00 which sum had be used by the Applicant to remedy and repair the damage to the Property caused by the Respondent during the tenancy and that, although the cost of repair far exceeded the amount of the deposit, the Applicant sought only the rent due to him by the Respondent.

#### **Findings in Fact**

6. From the Application and the CMD, I found that a tenancy agreement had existed between the parties. Having no reason to disbelieve the Applicant, I found that rent arrears amounting to £305.00 had accrued and are due and owing to the Applicant by the Respondents

#### **Decision and Reasons for Decision**

7. Having found that rent arrears of £305.00 as claimed by the Applicants are due and owing and having no evidence to the contrary, I had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision". Accordingly, I determined to grant the Order.

#### **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.

Karen Moore

Legal Member/Chair

21 February 2019

Date