



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under 71 of the Private Housing (Tenancies)
(Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/20/2278

Re: Property at 54 Bankhead Road, Kirkintilloch, G66 3NH (“the Property”)

Parties:

**Mr Drew Hay, Mr Philip Maguire, C/O CODA Estates, 2 - 4 Heath Avenue, Lenzie,
Glasgow, G66 4LG (“the Applicant”)**

Ms Tracy Donaldson, 3 Balventy Street, Glasgow, G33 5DS (“the Respondent”)

Tribunal Members:

Petra Hennig-McFatrige (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for the amount of £932.50 should be granted.

Background

An application for payment of £1,865 outstanding rent arrears arising from a Private Residential Tenancy for the property commencing 25.11.2019 was made by the applicant's representative Coda Estates on 28.10. 2020.

The following documents were lodged by the Applicants:

1. Tenancy Agreement
2. Rent statement dated 28.10.2020
3. Rent statement up to 7.12.2020
4. emails from all joint heritable proprietors for the property that the applicant's representative is authorised to act on their behalf.

A Case Management Discussion (CMD) was held on 14.1.2021 by telephone conference. Only the applicant's representative Ms Miller participated. The CMD note and directions issued are referred to for their terms. The directions were complied with by the Applicants in the email of 19.1.2021.

The application was amended in terms of Rules 32 and 14A of the Procedural Rules to include Mr Maguire as joint applicant and to amend the amount stated in the application to £932.50.

A further CMD was scheduled for 19.2.21 and the Respondent served with the notification and details on 19.1.21.

The Case Management Discussion

Only Ms Miller participated in the CMD as representative for the Applicants. There had been no representations from the Respondent and the Respondent did not dial into the CMD.

Ms Miller advised there were no further changes and the Respondent had not replied to the repeated contact attempts from the Applicants.

She moved for the order to be granted.

Findings in Fact:

1. The property was let on a Private Residential Tenancy Agreement commencing on 25.11.2019.
2. The parties are the landlord and tenant of said Tenancy Agreement.
3. The tenancy ended on 15.10.2020.
4. The monthly rent for the property was £675 payable monthly in advance
5. Rent arrears accrued as per the Rent Statement up to 7 December 2020
6. The arrears of rent due and outstanding as at the date of the CMD are £932.50
7. This amount already reflects the deposit released to the Applicants on 7.12.2020.

Reasons for Decision:

1. The Tribunal considered that the material facts of the case were not disputed. In terms of Rule 17 of the Rules of Procedure:

Case management discussion

17.—(1) The First-tier Tribunal may order a case management discussion to be held—

(a) in any place where a hearing may be held;

(b) by videoconference; or

(c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

(a) identifying the issues to be resolved;

(b) identifying what facts are agreed between the parties;

(c) raising with parties any issues it requires to be addressed;

(d) discussing what witnesses, documents and other evidence will be required;

- (e) discussing whether or not a hearing is required; and
 - (f) discussing an application to recall a decision.
- (4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

2. However, in terms of Rule 18 of the Rules of Procedure:

Power to determine the proceedings without a hearing

- 18.—(1) Subject to paragraph (2), the First-tier Tribunal—
- (a) may make a decision without a hearing if the First-tier Tribunal considers that—
 - (i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and
 - (ii) to do so will not be contrary to the interests of the parties; and
 - (b) must make a decision without a hearing where the decision relates to—
 - (i) correcting; or
 - (ii) reviewing on a point of law,
a decision made by the First-tier Tribunal.
- (2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

3. The documents lodged are referred to for their terms and held to be incorporated herein.

4. The Tribunal did not consider that there was any need for a hearing as there had been no representations from the Respondent and the application had not been opposed.

5. The Tribunal makes the decision on the basis of the documents lodged by the Applicants and the information given at the CMD.

6. The Respondent had fair notice of the representations of the Applicants forming the reasons for the application and has not challenged these. As no representations were received from the Respondent by the Tribunal, the facts of the case are not in dispute.

7. The Tribunal is thus satisfied that the Respondent had entered into a Private Residential Tenancy Agreement with the Applicant for the property with a monthly rental charge of £675 and that the rent arrears are as set out in the Rent Statement to 7.12.2020 showing the current arrears of £932.50..

8. The Applicants are entitled to a payment order for the sum of £932.50 as claimed in the application for rent arrears accrued under the tenancy agreement to date.

Decision:

The Tribunal grants the order for payment of the amount of £932.50 by the Respondent to the Applicants.

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.

**Petra Hennig McFatridge
Legal Member/Chair**

**19.2.2021
Date**