



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71(1) of the Private Housing  
(Tenancies) Act 2016 (“the Act”)**

**Chamber Ref: FTS/HPC/CV/20/2350**

**Re: Property at 8 Fintry Avenue, Deans, Livingston, West Lothian, EH54 8EH  
 (“the Property”)**

**Parties:**

**Mr. Scott Cowan, residing at D15, Fairholme Road, West Kensington, London  
W14 9JZ (“the Applicant”)**

**Mr. Andrew John Waugh residing at 8 Fintry Avenue, Deans, Livingston, West  
Lothian, EH54 8EH (“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 a payment Order for £3,375.00 with interest be  
granted.**

**Background**

1. By application received between on 9 November 2020 (“the Application”), the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent and costs amounting to £3,375.00 due and owing by the Respondent to the Applicant to 31 October 2020 in terms of a private residential tenancy agreement between the Parties. Interest at the judicial rate was also sought. The Application comprised a copy of the tenancy agreement between the Parties and a Statement of Account showing rent amounting to £3,375.00 due and owing by the Respondent to the Applicant.

2. On 20 November 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion ("CMD") was fixed for 8 January 2021 at 11.30 by telephone conference call. The CMD was intimated to both Parties.

### **Case Management Discussion**

3. The CMD took place on 8 January 2021 at 11.30 by telephone conference call. The Applicant took part. The Respondent was not present and not represented.
4. The Applicant confirmed the Order sought as £3,375.00 with interest. He explained that further rent had accrued and that £600.00 had been paid to the rent account in November 2020 by way of Universal Credit for the month of November 2020. He explained that the Respondent remains in the Property.

### **Findings of the Tribunal.**

5. From the Application and the CMD, the Tribunal found the following facts to be established: -
  - i) There is a private residential tenancy agreement between the Parties;
  - ii) The monthly rent is £675.00;
  - iii) The Respondent has failed to pay the rent due promptly and made no payments after 1 June 2020 and £3,375.00 was due and owing by him at the date of the Application;
  - iv) £600.00 was paid to the rent account in November 2020 by way of Universal Credit;
  - v) The Universal Credit payment does not affect or reduce the sum sought by the Applicant and rent amounting to £3,375.00 remains due and owing by the Respondent to the Applicant to 31 October 2020.

### **Decision of the Tribunal and Reasons for the Decision.**

6. Having found the sum sought is due and owing, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion .....including making a decision" and so proceeded to make an order for payment with interest as requested.

### **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

8<sup>th</sup> January 2021

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**Legal Member/Chair**

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**Date**