



**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/21/1384

Re: Property at 17a Nursery Avenue, Kilmarnock, KA1 3DP (“the Property”)

Parties:

Ms Morag McKerrell, 110 Beechwood Drive, Glasgow, G11 7HH (“the Applicant”)

**Mr Peter Robertson, 17a Nursery Avenue, Kilmarnock, KA1 3DP (“the
Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member) and Linda Reid (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent is liable to make payment to the
Applicant in the sum of FOURTEEN THOUSAND SIX HUNDRED AND TEN
POUNDS (£14,610.00) STERLING**

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 1 September 2021, together with the related application EV/21/1383. The Applicant was represented by Ms Duke, solicitor. The Respondent was personally present on the call.
2. In this Application, the Applicant seeks payment of a sum which she contends are rent arrears accrued by the Respondent during the period 2016 until now. In advance of the CMD, the Applicant wrote to the Tribunal and the Respondent intimating an intention to seek to increase the sum claimed from £13,620 to £14,610. The Respondent confirmed that he had no opposition to that amendment, and the Tribunal allowed the Application to be amended.

3. Thereafter, the Respondent confirmed that he did not dispute that he was in rent arrears in the sum claimed. He accepted that he was due to pay the Applicant the sum of £14,610. He had, in his own words, buried his head in the sand.

4. In light of his admission, the Tribunal was satisfied that the Respondent was liable to made payment to the Applicant in the sum of £14,610 in respect of rent arrears accrued up to the date of the CMD. It was not necessary to fix a Hearing. The Tribunal is empowered by Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 to do anything at a CMD that it may do at a Hearing, including making a decision. We granted the payment order in that sum.

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.

A. U

01 September 2021

Legal Member/Chair

Date