



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 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).

Chamber Ref: FTS/HPC/CV/22/1527

Re: Property at 30 Gilbert Circle, Dumfries, DG2 9EU (“the Property”)

Parties:

Mr Robert Wade, residing at 3 Vendace Place, Lochmaben, DG11 1GE (“the Applicant”) per his agents, Messrs, McJerrow & Stevenson, 55 High Street, Lockerbie, DG11 2JJ (“the Applicant’s Agents”)

Mr Paul Geddes, formerly residing at the Property and now whereabouts unknown (“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 FOUR THOUSAND SIX HUNDRED AND EIGHTY FOUR POUNDS and FIFTEEN PENCE (£4,684.15) Sterling be granted.

1. By application received on 23 May 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent due and owing of £3,924.15 arising from a tenancy between the Parties. The Application comprised a copy of the tenancy agreement, a statement of rent due and owing to April 2022, copy Notice to Quit bringing the tenancy to an end on 1 May 2022. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 15 August 2022 at 14.00 by telephone conference. The CMD was not able to be served on the Respondent and so was postponed until 10 November 2022 at 10.00 to allow for service by advertisement.

2. Prior to the postponed CMD, the Applicants' Agents amended the sum sought to £4,684.15 being the sum due to 7 July 2022, the date on which the Respondent vacated the Property and submitted an updated rent statement evidencing this sum.

CMD

3. The postponed CMD took place on 10 November 2022 at 10.00 by telephone conference. The Applicant did not take part and was represented by Mr. Wilson of the Applicant's Agents. The Respondent did not take part and was not represented. He did not submit written representations.
4. Mr. Wilson confirmed the sum sought to the date on which the Respondent vacated the Property is £4,684.15

Findings in Fact

5. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a tenancy of the Property between the Parties at a monthly rent of £380.00.
 - ii) The tenancy was terminated on 1 May 2022;
 - iii) The Respondent remained in the Property until 7 July 2022;
 - iv) Rent amounting to £4,684.15 is outstanding at that date and is due and owing by the Respondent to the Applicant;

Decision and Reasons for Decision

6. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" and so proceeded to make an order for payment in the sum of £4,684.15.

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.

K. Moore

Legal Member/Chair

10 November 2022
Date