



**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/23/1229**

**Re: Property at 18 Heron Rise, Dalclaverhouse, Dundee, DD4 9DH (“the Property”)**

**Parties:**

**Mr Sean Gormley, Ballinacourty, Dungarvan, Co Waterford, Ireland (“the Applicant”)**

**Ms Ashleigh Winton and Mr Kieran Gray, sometime 18 Heron Rise, Dalclaverhouse, Dundee DD4 9DH, whose present whereabouts are unknown (“the Respondents”)**

**Tribunal Member:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondents to the Applicant of the sum of £3,875.**

**Background**

By application, dated 17 April 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicant. The sum sought was £3,875.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 20 June 2020 at a rent of £650 per month and a Rent Statement showing arrears as at 4 January 2023 of £3,875. The Applicant stated that the Respondents had been evicted from the Property on that date.

On 15 June 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 6 July 2023. The Respondents did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 9 October 2023. As the present whereabouts of the Respondents are unknown, service on them was carried out by advertisement on the Tribunal's website between 29 August 2023 and 9 October 2023. The Applicant was present at the Case Management Discussion. The Respondents were not present or represented.

The Applicant told the Tribunal that no payment had been received since the date of the application.

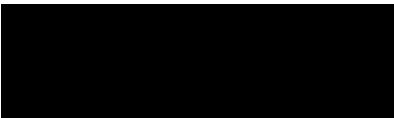
### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant.

### **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.**



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**Legal Member/Chair**

**9 October 2023**  
**Date**