



**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 (“the Act”) and First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/20/0817**

**Re: Property at The Flat, 12 Victoria Street, Newton Stewart, DG8 6BT (“the Property”)**

**Parties:**

**Mr Maurice Halliday and Mrs Anne Graham Halliday, 15 St Mary Street, Kirkcudbright, DG6 4AA (“the Applicant”) per their agents, Gillespie Gifford Brown LLP, solicitors, 27 Cuthbert Street, Kirkcudbright, DG6 4DJ (“the Applicant’s Agents”)**

**Mr Nicholas Finningham, The Flat, 12 Victoria Street, Newton Stewart, DG8 6BT (“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 of ONE THOUSAND EIGHT HUNDRED AND FIFTY POUNDS (£1,850.00) be granted.**

1. By application received on 9 March 2020 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for an order for payment of £1,850.00 being rent due and owing by the Respondent to the Applicant arising from a short assured tenancy agreement between the Parties. The Application comprised an application form, copy short assured tenancy agreement showing a monthly rent of

£450.00 and a rent statement detailing a shortfall and arrears of rent amounting to £1,850.00.

2. On 19 March 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 17 August 2020 at 10.00 by telephone conference call. The Application was intimated to the Respondent by Sheriff Officer service. The CMD was intimated to both Parties.

### **Case Management Discussion**

3. The CMD took place on 17 August 2020 at 10.00. The Applicant did not take part and was represented by Mrs. Knight of the Applicant’s Agents. The Respondent did not take part. The Tribunal explained the role of the Tribunal and its powers within the Scottish Courts Administration. The Tribunal explained the purpose of the CMD in terms of Rule 17 of the Rules.
4. The Applicant’s Agent confirmed that an open order for payment is sought for rent amounting to £1,850.00 to the date of the Application.

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

5. From the Application and the CMD, the Tribunal found the following facts to be established: -
  - i) There is a short assured tenancy agreement between the Parties;
  - ii) The monthly rent is £450.00;
  - iii) Rent arrears amounting to £1,850.00 are due and owing by the Respondent to the Applicant to the date of the Application.

### **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.

### **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**

**17<sup>th</sup> August 2020**

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**Legal Member/Chair**

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**Date**