



**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 for Civil Proceedings in relation to an assured tenancy.**

Chamber Ref: FTS/HPC/CV/20/1006

Re: Property at Flat 7, 24 Crathes Way, Dundee, DD5 3BY (“the Property”)

Parties:

**Mr Simon Gordon, 2A Montague Street, Broughty Ferry, Dundee, DD5 2RB
 (“the Applicant”)**

Mr Nigel Smith, Flat 7, 24 Crathes Way, Dundee, DD5 3BY (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 70 of the Procedure Rules and concerned an Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained to parties.

Attendance and Representation

The Applicant was represented by Michael Kemp, Thorntons Law LLP, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ.

The Respondent was not in attendance. The Respondent had been served by Sheriff Officer.

Matters Raised

The Applicant’s representative had provided a copy rent statement to the Tribunal shortly before the Tribunal and same had not been served on the Respondent. The Tribunal asked the Applicant’s representative to confirm the Applicant’s position. He said that the Applicant despite the increased sum in the said rent statement sought a

payment order for £2400. This was the amount in the Application and that had been served on the Respondent.

The Applicant's representative confirmed that a payment order for non payment to the amount of £2400 was sought.

There were no other matters arising.

Decision (in absence)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondent for payment of the sum of £2400 to the Applicant under section 16 of the Housing (Scotland) Act 2014.

Reasons for Decision

- 1. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.**
- 2. The Tribunal was satisfied that the relevant tenancy purported to be on the papers lodged in terms of Section 32(1) of the 1988 Act, a short assured properly constituted and dated 23rd August 2011.**
- 3. The monthly contractual amount due was £600. A rent statement, bank account details and evidence lodged showed the Respondent to be in arrears of this tenancy to the sum of £2400 at the date of the Application.**
- 4. Accordingly in terms of Section 16 of the 2014 Act the Tribunal granted a payment order against the Respondent for the sum of £2400.**

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 Kirk

5 August 2020

Legal Member/Chair

Date