



**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/20/1177**

**Re: Property at 27 Woodside Place Lane, Glasgow, G3 7RB (“the Property”)**

**Parties:**

**MJL Investments Limited, 3 Fitzroy Place, Glasgow, G3 7RH (“the Applicant”)**

**Mr Allan Hales, 27 Woodside Place Lane, Glasgow, G3 7RB (“the Respondent”)**

**Tribunal Members:**

**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 Respondent to the Applicant of the sum of £4,870.**

**Background**

By application, received by the Tribunal on 14 May 2020, the Applicant sought an Order for Payment in respect of unpaid rent lawfully due by the Respondent to the Applicant. The sum sought was £4,135.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 14 May 2017 at a monthly rent of £705, intimations to the Respondent of rent increases, the last one increasing the rent to £735 per month with effect from 14 May 2019, and a Rent Statement showing arrears as at 12 May 2020 of £4,135, the last payment having been made on 24 December 2019. Several of the earlier rent payments had been at the increased level of £735 per month.

On 8 July 2020, the Tribunal advised the Parties of the date and time for a Case Management Discussion and the Respondent was invited to make written representations to the Tribunal by 29 July 2020. The Respondent did not make any written representations to the Tribunal.

On 15 July 2020, the Applicant sought leave to amend the application by increasing the amount sought to £5,605 and provided an updated Rent Statement showing arrears of that amount as at 14 July 2020.

### **Case Management Discussion**

A Case Management Discussion was held by way of a telephone conference call on the morning of 6 August 2020. Mr Neil Livingstone, company secretary of the Applicant, and the Applicant's representative, Ms Shona McLellan of Douglas Dickson Property Management Limited, Glasgow, participated in the conference call. The Respondent did not participate and was not represented. Mr Livingstone told the Tribunal that he had had constructive dialogue with the Respondent over the past few weeks and that some money had been paid. The arrears now stood at £4,870. He asked the Tribunal to make an Order for Payment of the reduced sum of £4,870 without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 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 all the information and documentation it required to enable it to decide the application without Hearing. The Tribunal was content to allow the amendment to the application and was satisfied that the increased amount sought had become lawfully due by the Respondent to the Applicant and remained unpaid.

### **Decision**

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £4,870.

### **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.**

George Clark

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Legal Member/Chair

06/08/2020  
Date