



**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/20/1181**

**Re: Property at 7E Weaver Row, St Ninians, Stirling, FK7 9AS (“the Property”)**

**Parties:**

**Mrs Elma Reilly, Myreton Hill Farm, Glinns Road, Kippen, FK8 3JL (“the Applicant”)**

**Mr Alan Masters, 7C Weavers Row, St Ninians, Stirling, FK7 9AS (“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 dismissed.**

**Background**

By application, received by the Tribunal on 16 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 £3,300.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 7 July 2018 at a monthly rent of £550, and a Rent Statement showing arrears as at 7 May 2020 of £3,300. On 11 June 2020, the Applicant asked the Tribunal to accept an amendment to the application to increase the amount sought to £3,850 and provided an updated Rent Statement showing arrears at that date of £3,850.

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 9 July 2020, sheriff officers, reporting that that had served papers on the Respondent, advised the Tribunal that he had vacated the Property and was now living at 7C Weaver’s Row.

**Case Management Discussion**

A Case Management Discussion was held by way of a telephone conference call on the afternoon of 6 August 2020. The Applicant participated in the conference call. The Respondent did not participate and was not represented. The Applicant told the Tribunal that the Respondent's mother had been a Guarantor under the Tenancy Agreement and that she had paid in full the rent due down to the date the Respondent vacated the Property, 7 July 2020. The Applicant asked the Tribunal to dismiss the application.

**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 a Hearing.

The Tribunal was content to dismiss the application, as requested by the Applicant, as no sums were due in respect of unpaid rent.

**Decision**

The Tribunal determined that the application should be dismissed.

**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

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06/08/2020  
Date