

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/19/0201

Re: Property at 5 Hollybush Lane, Crathes, AB31 5JS (“the Property”)

Parties:

**LAR Housing Trust, 15 Pitreavie Court, Pitreavie Business Park, Dunfermline,
KY11 8UU (“the Applicant”)**

**Ms Deborah Omond, 19 Corthan Place, Aberdeen, AB12 5AS (“the
Respondent”)**

Tribunal Members:

Petra Hennig-McFatridge (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for payment
of £5,620.46 by the Respondent.**

Background:

The application was made on 21 January 2019 by the Applicant’s representatives T C Young. The application asked for a payment order to be made for the sum of £6,112.00 for unpaid rent and rechargeable costs. Attached to the application were the Short Assured Tenancy Agreement for the property for the lease commencing on 1 August 2017, statement of arrears up to and including 29 October 2018 and an invoice from Prospects Cleaning Services for the property dated in error 26 September 2019 and received by the Applicant on 26 September 2018.

A Case Management Discussion (CMD) was scheduled for 14 March 2019 and both parties advised of the date, time and venue. The service on the Respondent had been carried out by Sheriff Officers on 21 February 2019. The Respondent was advised in the notification that any representations must be received by 10 March 2019 and that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application.

The Tribunal considered that the facts of the case were not disputed. In terms of Rule 17 of the Rules of Procedure:

Case management discussion

17.—(1) The First-tier Tribunal may order a case management discussion to be held—

(a) in any place where a hearing may be held;

(b) by videoconference; or

(c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

(a) identifying the issues to be resolved;

(b) identifying what facts are agreed between the parties;

(c) raising with parties any issues it requires to be addressed;

(d) discussing what witnesses, documents and other evidence will be required;

(e) discussing whether or not a hearing is required; and

(f) discussing an application to recall a decision.

(4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

Power to determine the proceedings without a hearing

However, in terms of Rule 18 of the Rules of Procedure:

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,
a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

The documents lodged are referred to for their terms and held to be incorporated herein.

The Respondent had not made any representations and had not disputed any of the amounts charged for in the application. There was no opposition to the order being granted.

The Tribunal did not consider that there was any need for a hearing as the facts of the case were not disputed and the evidence was sufficient to make the relevant findings in fact to determine the case.

The Respondent had accrued rent arrears of the amount of £4,845.46 and rechargeable repairs of £775.

Decision

The Tribunal grants an order for payment of the sum of £5,620.46

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.

P Hennig-McFatrige

Legal Member/Chair

14.3.19

Date