



**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 (Act)**

Chamber Ref: FTS/HPC/CV/22/4204

**Re: Property at Dunmaglas, Main Street, East Whitburn, West Lothian, EH47 0JD
("the Property")**

Parties:

**Ms Margaret Stewart, Pennyghael, Main Street, East Whitburn, EH47 0JB ("the
Applicant")**

**Mr Stewart Brand, Lorna Brand, 94 St Pauls Drive, Armadale, West Lothian,
EH48 2LP ("the Respondent")**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the order for payment be granted in the sum of
£3,200.**

Background

This is an application under Rule 70 of the Tribunal Procedure Rules and section 16 of the Act for payment in respect of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 22 November 2022;
2. Short Assured Tenancy Agreement (**SAT**) commencing 18 January 2013;
3. Schedule of Rent Arrears at 31 December 2021;
4. Certificate of Service of CMD Notification on Respondent dated 10 February 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 14 March 2023. The Applicant did not participate but was represented by her brother, Mr R Gillies. The Respondents did not participate and were not represented.

The Tribunal delayed the start of the CMD to see if the Respondents would participate. The Respondents did not.

The Tribunal were satisfied that the Respondents had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondents that they should attend and the Tribunal could determine the matter in absence if they did not.

The Applicant asked the Tribunal to deal with the matter on the basis of the documentation before it.

The Tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 18 January 2013;
2. Monthly rent was £800;
3. As at 31 December 2021 (the end of the tenancy) there was £3,200 rent due.

The Tribunal granted the order for payment in the sum of £3,200.

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.

Alan Strain

14 March 2023

Legal Member/Chair

Date