

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 Regulation 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/18/3244

Re: Property at 10 U/L Jeffrey Street, Kilmarnock, Ayrshire, KA1 4EB (“the Property”)

Parties:

Mr Joel Ferguson, 26 Church Road, Crossgar, County Down, BT30 9HR, Ireland (“the Applicant”)

Mr Jason Lee, 10 U/L Jeffrey Street, Kilmarnock, Ayrshire, KA1 4EB (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant:

Sum of Three thousand two hundred and ninety pounds eighty three pence (£3,290.83)

Background

This is a case management discussion to consider an application for payment of rent arrears due to the Applicant by the Respondent.

Proceedings were delayed until 2.05 pm but neither the Respondent nor a representative on his behalf appeared.

Mr Robert Gallon, solicitor, appeared on behalf of the Applicant.

Preliminary Matters

I noted that the date and time of the case management discussion had been intimated to the Respondent by sheriff officer.

I explained the purpose of a case management discussion and Mr Gallen indicated that his position was that a Hearing would not be necessary. He said that no rent had been paid since the Application had been lodged but that, notwithstanding that, he would only be seeking an Order in respect of £3,290.83. He explained that this was the sum shown in the rent statement lodged with the Application.

Documents before the Tribunal

1. Short Assured Tenancy Agreement dated 23rd December 2016.
2. Rent statement dated 23rd October 2018 and showing balance outstanding of £3,290.83.

Findings in Fact

1. The Respondent is a party to a short assured tenancy of the Property which commenced on 23rd December 2016 and had an end date (ish) of 24th June 2016. The tenancy had continued by tacit relocation.
2. Arrears of rent as at 23rd October 2018 amounted to £3,290.83

Reasons for Decision

I first of all had to consider whether or not it was necessary for there to be a hearing to determine the application in terms of regulation 18 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. In terms of the regulation I may make a decision without a hearing if I can make sufficient findings to determine the case having regard to such facts as are not disputed by the parties and to do so will not be contrary to the interests of the parties. In this case the Respondent had made no representations and, in the circumstances, I considered that the Applicant was entitled to a determination of the case without further delay.

I considered the copy rent statement submitted with the Application. It showed that the last payment of rent to have been 23rd October 2018. It showed the cumulative arrears to be £3,290.83.

It appeared reasonable to me to grant the Order being sought by the Applicant.

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.

Mr Martin McAllister

Legal Member/Chair

29/1/19

Date