

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/18/2316

Re: Property at 36 Coalhall Avenue, Motherwell, ML1 4BU (“the Property”)

Parties:

Misty Mornings Property Ltd, Oak Cottage Bridge Road, Norwich, NR11 7EA (“the Applicant”)

Mr William McCall, 30 Argyll Wynd, Motherwell, ML1 4GJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order for Payment by the Respondent in the sum of £1,680.

Background

The Applicant submitted an application seeking an order for payment by the Respondent in respect of rent due in relation to his tenancy of the property at 36 Coalhall Avenue, Motherwell ML1 4BU. The Tribunal fixed a case management discussion for today and advised the parties by letter date 31st October 2018 of the date, time and place of today’s case management discussion. The Respondent was invited to lodge any written representations he wished to make by 19th November 2018. Parties were also told that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. No written representations on behalf of the Respondent have been received by the Tribunal.

The Case Management Discussion

The Applicant was represented by Ms Vikki McGuire. The case management discussion proceeded in the absence of the Respondent. The Applicant's representative advised the Tribunal that there has been no contact with the Respondent since the present application was made. She relied upon the rent statement already lodged, which discloses that the rent arrears due by the Respondent amount to £1,680. The Applicant's representative advised that, prior to the Respondent's departure from the property, there was communication between the parties about a payment arrangement to clear the arrears. However, despite that communication, payment was not made by the Respondent and he removed from the property without notice. The Applicant sought an order for payment in the sum of £1,680.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 20th February 2017. The period of the tenancy was from 20th February 2017 to 21st August 2017.
2. The rent payable was £560 per calendar month, payable in advance.
3. The rent statement lodged shows rent arrears due as at 20th July 2018 amounted to £1,680.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it and the submissions made by the Applicant's representative. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The Tribunal was satisfied that the sums sought by the Applicants are due and therefore the Order was granted.

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.

Nicola Irvine

Legal Member/Chair

23rd November 2018

Date