



**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 (“the Act”) and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017
Chamber Ref: FTS/HPC/CV/19/0156**

Re: Property at 48 Craigmath, Dalbeattie, DG5 4EB (“the Property”)

Parties:

Mr Shaun MacDonald Callaghan, 40 William Street, Dalbeattie, DG5 4EN (“the Applicant”) per his agents, Gillespie, Gifford & Brown LLP, solicitors, 27, St. Cuthbert Street, Kirkcudbright, DG6 4DJ (“the Applicant’s Agents)

Ms Jackie Landsborough, 48 Craigmath, Dalbeattie, DG5 4EB (“the Respondent”)

Tribunal Member:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment of £2,560.00 be granted.

1. By application received on 16 January 2019, (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the Tribunal for a payment order in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of rent amounting to £2,560.00 due and owing to the Applicant by the Respondent. A copy of the tenancy agreement between the parties and a rent statement of rent due and paid by the Respondent were lodged as part of the Application.
2. On 28 January 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 6 March 2019 at 14.00 at Lochvale House, Georgetown Road, Dumfries, DG1 4DF. The CMD was intimated to both parties.

3. The Respondent made no written representations to the Tribunal.

Case Management Discussion

4. The CMD took place on 6 March 2019 at 14.00 at the said Lochvale House, Mr Turnbull of the Applicant's Agents appeared on behalf of the Applicant. Neither the Applicant himself nor the Respondent appeared.
5. The Mr Turnbull advised me that rent due by the Respondent amounting to £2,560.00 as evidenced by the statement lodged remained outstanding.

Findings in Fact

6. From the Application and the CMD, I found that a tenancy agreement had existed between the parties. Having no reason to disbelieve Mr Turnbull on behalf of the Applicant, I found that rent arrears amounting to £2,560.00 had accrued and are due and owing to the Applicant by the Respondent.

Decision and Reasons for Decision

7. Having found that rent arrears of £2,560.00 as claimed by the Applicant are due and owing and having no evidence to the contrary, I had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision". Accordingly, I determined to grant the Order.

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.

K.Moore

Legal Member/Chair

6 March 2019

Date