



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, made under the Tribunals (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/18/0974**

**Re: Property at 67 Tippetknowes Park, Winchburgh, West Lothian, EH52 6UR ("the Property")**

**Parties:**

**Mr Brian Bird and Mr Martin Bird, both represented by Mrs Yvonne Bird and all of 197a West Main Street, Broxburn, West Lothian, EH52 5LH ("the Applicant")**

**Mr John Cusick, 67 Tippetknowes Park, Winchburgh, West Lothian, EH52 6UR ("the Respondent")**

**Tribunal Member:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Order should be made, requiring the Respondent to pay to the Applicant the sum of Three Thousand Four Hundred and Eighty Pounds in respect of arrears of rent for the property 67 Tippetknowes Park, Winchburgh, West Lothian EH52 6UR**

**Background**

By application, received on 18 April 2018, the Applicant requested the Tribunal to make an Order requiring the Respondent to pay rent arrears of £435 per calendar month for the period from 16 January 2018 to the date that the Respondent vacates the property 67 Tippetknowes Park, Winchburgh, West Lothian EH52 6UR ("the property").

The Respondent made no written representations to the Tribunal. In further written representations, sent by e-mail on 6 August 2018, the Applicant provided the

Tribunal with a copy of a letter to the Respondent, dated 16 July 2018, to which was attached a rental statement showing arrears of £3,045 as at that date.

### **Case Management Discussion**

A Case Management Discussion was held at George House, 126 George Street, Edinburgh EH2 4HH on the afternoon of 30 August 2018. The Applicant's representative attended the Case Management Discussion. The Respondent was neither present nor represented at the Case Management Discussion.

The Applicant's representative told the Tribunal that the Respondent was still living at the property and that no rental payments had been received since the date of the application. A further rental payment had fallen due on 16 August 2018, which took the arrears to £3,480 and she requested an Order for Payment of that amount.

### **Reasons for Decision**

In terms of Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations") the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was of the view that, as the Respondent had not made any written representations and had chosen not to be present or represented at the Case Management Discussion and the Tribunal was satisfied that it had before it all the information that it required in order to make a Decision, it was able to decide the application in terms of Rule 17 of the 2017 Regulations.

The Tribunal was satisfied that the sum requested was due by the Respondent.

### **Decision**

The Tribunal decided to make an Order for Payment by the Respondent to the Applicant of the sum of Three Thousand Four Hundred and Eighty Pounds.

### **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.**

GEORGE CLARK

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**Legal Member/Chair**

30 August 2018  
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**Date**