

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/19/1164

Re: Property at 79 Dublin Quay, Irvine, KA12 8PQ (“the Property”)

Parties:

Mr Norman Rennie, 1 Weavers Court, Fenwick, KA3 6GE (“the Applicant”)

Ms Ester Potter, 79 Dublin Quay, Irvine, KA12 8PQ (“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 £3,250.

Background

The Applicant submitted an application seeking an order for payment by the Respondent in respect of rent due in relation to the tenancy of the property at 79 Dublin Quay, Irvine. The Tribunal fixed a case management discussion for today and advised the parties by letters dated 24th April 2019 of the date, time and place of today's case management discussion. The Respondent was invited to make any written representations she wished to make by 14th May 2019. 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.

Case Management Discussion

The Applicant was present and represented by Mrs Carol Dickie. The case management discussion proceeded in the absence of the Respondent. The

Applicant explained that the Respondent made late payment of rent and indicated that she would repay the arrears. The Applicant advised that he offered assistance to the Respondent to come to a repayment arrangement but those offers were not taken up by the Respondent.

Findings in Facts

1. The parties entered into a tenancy agreement on 1st February 2018.
2. The rent payable was £650 per month.
3. The arrears of rent as at 1st February 2019 amounted to £3,250.
4. The Applicant is entitled to the order for payment sought in the sum of £3,250.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it and the submissions made by the Applicant and his 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 Applicant 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.

N.Irvine

Legal Member/Chair

Date 22nd May 2019