

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/19/1318

Re: Property at 53 Stevenson Drive, Edinburgh, EH11 3DP (“the Property”)

Parties:

**Mr Graham Paton, Ms Diane Paton, c/o Southside Property Management, 20
Nicholson Street, Edinburgh EH8 9DH (“the Applicant”)**

Ms Gemma Fox, 53 Stevenson Drive, Edinburgh, EH11 3DP (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be granted without a hearing
and made an Order for Payment by the Respondent to the Applicant of the
sum of £3,475.**

By application, received by the Tribunal on 1 May 2019, the Applicant sought an Order for Payment by the Respondent in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant in respect of the Property. The sum sought was £2,085.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 2 December 2016 at a rent of £695 per month and a rent statement showing arrears as at 25 April 2019 of £2,085.

On 21 May 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 8 June 2019.

On 8 June 2019, the Applicant’s representative requested an amendment to the application to increase the amount sought to £3,475 and to extend the period of unpaid rent to 1/6/2019.

The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 26 June 2019. The Applicant was represented by Mr Scott Clair of Gilson Gray LLP, solicitors. The Respondent was not present or represented.

The Applicant's representative asked the Tribunal to accept the amendment to the application and to grant the application without a hearing and make an Order for Payment of £3,475.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was content to accept the amendment requested by the Applicant's representative and was satisfied that it had before it all the information and documentation it required and that it would determine the application without a hearing.

The Tribunal was satisfied that the amount sought in the application, as amended, was lawfully due by the Respondent to the Applicant and determined that an Order for Payment should be made.

Decision

The Tribunal determined that the application should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,475.

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
Legal Member/Chair

26 June 2019
Date