

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 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules")
Chamber Ref: FTS/HPC/CV/18/1351

Re: Property at 3 Academy Street, Hurlford, Kilmarnock, Ayrshire, KA1 5BU ("the Property")

Parties:

Mr Michael Moran, 4 Primary Court, Glebe Road, Galston, KA4 8EY ("the Applicant")

Miss Victoria Cunningham, 48 Mount Pleasant Way, Kilmarnock, Ayrshire, KA3 1HH ("the Respondent")

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Order for payment of £2,545.37 be granted.

Background

1. By application comprising application form and supporting documents received on 31 May 2018, ("the Application"), the Applicant applied to the Tribunal for an Order for Payment in respect of rent arrears of £2,545.37 due to him by the Respondent. On 28 June 2018, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application in terms of the Rules and thereafter a Case Management Discussion (CMD) was fixed for 7 September 2018 at 14.00 at North West Kilmarnock Area Centre, Western Road, Kilmarnock, KA3 1NQ.

Case Management Discussion

2. The CMD took place at 14.00 at North West Kilmarnock Area Centre, Western Road, Kilmarnock, KA3 1NQ. The Applicant attended. The Respondent did not attend.
3. Having regard to Rule 29 of the Rules and having been satisfied that notice had been given in terms of Rule 24(1) of the Rules, I proceeded with the CMD in the absence of the Respondent.
4. The Applicant advised me that no payments had been made by the Respondent and that the sum sought in the Application remained due and owing.
5. Having regard to Rule 17(4) of the Rules, I proceeded to determine the Application without further procedure.

Findings in Fact

6. I accepted the Applicant's statement that the sum sought is due and owing and accepted the content of the Application and had no written representation from the Respondent to controvert the Applicant's statement.

Reasons for Decision

7. Having been satisfied that the amount due by the Respondent to the Applicant is due and owing, I granted the Order.

Decision

8. I determined that the Order be 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.

Karen Moore

Legal Member/Chair

7 September 2018

Date