

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 2016 (“the Act”)

Chamber Ref: FTS/HPC/CV/19/1816

Re: Property at Flat 33, The Furlongs, Cadzow House, Hamilton, South Lanarkshire, ML3 0DZ (“the Property”) per his agents, Jackson Boyd LLP, Centenary House, 69, Wellington Street, Glasgow G2 6HG (“the Applicant’s Agents”)

Parties:

Mr David Marshall, 149 Machahill, Larkhall, ML9 2JR (“the Applicant”)

Mr Andrew Hunter, Flat 33, The Furlongs, Cadzow House, Hamilton, South Lanarkshire, ML3 0DZ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an Order for Payment in the sum of SIX THOUSAND AND NINETY FOUR POUNDS STERLING (£6,094.00) be granted

Background

1. By application received on 12 June and 3 July both dates 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”).
2. The Application comprised copy of a short assured tenancy agreement between the Parties at a monthly rent of £325.00, copy rent statement showing rent due

and owing by the Respondent to the Applicant of £4,794.00 to 29 May 2019 with rent at the rate of £325.00 accruing per month thereafter

3. On 17 July 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 4 September 2019 at 14.00 at The Glasgow Tribunals Centre, Room 108, 20, York Street, Glasgow, G2 8GT. The CMD was intimated to both Parties.

Case Management Discussions

4. The CMD took place on 4 September 2019 at the said Glasgow Tribunals Centre. The Applicant was not present and was represented by Ms. Keenan of the Applicants' Agents who confirmed the Order sought. The Respondent was not present and was not represented. The CMD was adjourned to 17 October 2019 to allow the Applicant's Agents to amend a separate application and to conjoin it with this Application.
5. The adjourned CMD took place on 17 October 2019 at the said Glasgow Tribunals Centre. The Applicant was not present and was represented by Ms. Sloey of the Applicants' Agents who confirmed the Order sought as payment of the amended sum of £6,094.00. The Respondent was not present and was not represented. Ms. Sloey advised me no payment had been made by the Respondent.

Findings in Fact

6. From the Application and the CMDs I found that a tenancy agreement had existed between the Parties at a rent of £325.00 per month rent and that rent amounting to £6,094.00 is due and owing by the Respondent to the Applicant.

Decision and Reasons for Decision

7. Having found that rent and interest amounting to £6,094.00 is due and owing by the Respondent to the Applicant, I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for payment.

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

17 October 2014
Date