

**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/18/2887**

**Re: Property at 12 Cherry Avenue, Bathgate, EH48 1NA (“the Property”)**

**Parties:**

**William Leitch trading as True Blue Holdings, 27 Jeanette Stewart Drive,  
Dalkeith, Midlothian, EH22 4EA (“the Applicant”) per their Agents, Harper  
MacLeod, solicitors, City Point, 65, Haymarket Terrace, Edinburgh EH12 5HD**

**Ms Amanda Donoghue, 12 Cherry Avenue, Bathgate, EH48 1NA (“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**

**Background**

1. By application dated 25 October 2018 (“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”) in respect of rent amounting to £7,380.00 due and owing to him by the Respondent. A copy of the tenancy agreement between the parties showing a monthly rental of £615.00 and a statement of rent due and unpaid were lodged as part of the Application.
2. On 20 November 2018, 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 11 January 2019 at 14.00 at George House, 126, George Street, Edinburgh EH2 4HH.

3. The Respondent made no written representations to the Tribunal.

#### **Case Management Discussion**

4. The CMD took place on 11 January 2019 at 14.00 at George House, 126, George Street, Edinburgh EH2 4HH. Mr Alastair Johnston of the Applicant's Agents was present, representing the Applicant. Neither the Applicant nor the Respondent was present.
5. Mr Johnston advised me that the sum claimed remained due and that a further three months' rent was due. Accordingly, the sum currently due and claimed amounts to £8,693.08 and Mr Johnston moved to amend the Application in this regard.

#### **Findings in Fact**

6. From the Application and the CMD, I found that a tenancy agreement exists between the parties and that the monthly rent due is £615.00. Having no reason to disbelieve Mr Johnston and having no representation from the Respondent to the contrary, I found that rent arrears amounting to £8,693.08 have accrued and are due and owing to the Applicant by the Respondent.

#### **Decision and Reasons for Decision**

7. Having found that rent arrears of £8,693.08 as claimed by the Applicant are due and owing and having no evidence to the contrary, I 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". Accordingly, I determined to grant the Order.

#### **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.**

K.Moore

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**Legal Member/Chair**

*K*  
*11 January 2019*  
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**Date**