



**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/19/3141

Re: Property at 20/6 Jamaica Mews, Edinburgh, EH3 6HW (“the Property”)

Parties:

Mr Robin William Dempsey, 1 Eshiels Steading, Peebles, EH45 8NA (“the Applicant”)

Mr Evan Popplestone, 20/6 Jamaica Mews, Edinburgh, EH3 6HW (“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, as amended, should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,300.

Background

By application dated 2 October 2019, the Applicant sought an Order for Payment in respect of rent that had become lawfully due by the Respondent. The sum sought was £2,200.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 30 November 2007 and a Rent Statement showing arrears as at 31 August 2019 of £3,850. The Applicant explained, however, that, following an earlier application, an Order for payment for £2,200 had already been made by the Tribunal but not yet enforced. Accordingly, it was the arrears that had accumulated since 31 May 2019 that were being sought, the sum being £1,650. On 31 October 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 21 November 2019. The Respondent did not make any written representations to the Tribunal.

On 5 November 2019, the Applicant's solicitors sought leave to amend the application to increase the amount sought to £3,300.

Case Management Discussion

A Case Management Discussion was held at Riverside House, Gorgie Road, Edinburgh on the afternoon of 5 December 2019. The Applicant was represented by Miss Nicola Caldwell of TC Young solicitors, Glasgow. The Respondent was not present or represented. The Applicant's representative advised that no rent had been paid since the date of the application and that the arrears stood at £3,300. Miss Caldwell asked the Tribunal to grant leave to amend the application accordingly and to make an Order for Payment without a Hearing.

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 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 request to amend the application had been intimated to the Respondent by letter dated 5 November 2019 and, in the absence of any representations from the Respondent, the Tribunal was content to allow the amendment sought.

The Tribunal was satisfied that the amount sought in the application, as amended, represented rent that had become lawfully due by the Respondent to the Applicant and determined to grant the application, as amended.

Decision

The Tribunal determined that the application, as amended, should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,300

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

5 December 2019

Date