



**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/19/0312

Re: Property at Flat 3/2, 63 Albert Street, Dundee, DD4 6NZ (“the Property”)

Parties:

Hillcrest Enterprises Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

Mr Steven Mooney, Flat 3/2, 63 Albert Street, Dundee, DD4 6NZ (“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”) accepted a request to amend the application, determined that the application should be decided without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,163.

Background

By application dated 28 January 2019, the Applicant sought an Order for Payment in the sum of £1,545, in respect of arrears of rent which had become lawfully due by the Respondent to the Tenant in respect of the Property.

The application was accompanied by a copy of a Short Assured Tenancy between the Parties, commencing on 10 March 2017 at a rent of £300 per month, a copy of an intimation of rent increase to £309 per month with effect from 1 April 2018 and a copy rent statement, showing arrears of £1,545 as at 24 January 2019.

The Tribunal advised the Parties on 6 March 2019 of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 22 March 2019.

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

Case Management Discussion

A Case Management Discussion was held at Hilltown Community Centre, Alexander Street, Dundee, on the morning of 29 March 2019. The Applicant was not present, but was represented by Kirsty Morrison of TC Young, solicitors, Glasgow. The Respondent was not present or represented at the Case Management Discussion. The Applicant's representative directed the Tribunal's attention to a letter of 13 March 2019 to the Respondent, advising that the Applicant's representative was requesting to amend the application to increase the amount sought to £2,163. The letter advised the Respondent to obtain independent legal advice and to make arrangements to either appear or be represented at the Case Management Discussion.

The Applicant's representative asked the Tribunal to accept the request to amend the application as indicated in the letter and to decide the application without a hearing and grant the Order for Payment in the sum of £2,163.

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 decide the application without a hearing.

The Tribunal accepted the request to amend the application to increase the amount sought to £2,163 and was satisfied that the sum sought represented arrears of rent that had lawfully become due by the Respondent to the Applicant.

Decision

The Tribunal accepted the request to amend the application, determined that the application should be decided without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,163.

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.

G Clark

Legal Member/Chair

29 March 2019

Date