



**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/19/1858

**Re: Property at 12 Bisset Place, Bathgate, West Lothian, EH48 2XR (“the
Property”)**

Parties:

**Mr Peter Lam, Long Close, Medbourne Lane, Liddington, SN4 0EY (“the
Applicant”)**

**Miss Keely Ovens, Mr Jonathan McCormack, ADDRESS UNKNOWN, ADDRESS
UNKNOWN (“the Respondents”)**

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment in the sum of should be made
in favour of the Applicant**

Background

1. By application dated 13th June 2019 the Applicant seeks an order for payment against the Respondents in relation to arrears of rent. The Applicant lodged documents in support of the application including copy tenancy agreement and copy rent account.
2. A copy of the application and supporting documents were served on the Respondents by Advertisement .The certificate of advertisement confirmed that the advertisement of the Case Management Hearing (CMD) was carried out on the Tribunal website between 17/10/2019 and 21/11/2019.

The Case Management Discussion (CMD)

3. The CMD was scheduled to take place at Riverside House , Edinburgh at 14.00 on 21st November 2019. The Legal Member on that date was chairing the CMD by way conference call from Glasgow Tribunals Centre. The Tribunal Clerk was present at the Riverside House venue. The Respondents did not attend and were not represented. They have not made any form of contact with the Tribunal at all. The Applicants Representative in the application is stated as being Jackson Boyd LLP. The solicitor who was attending the CMD was attending as an agent of the principal firm .He was Mr. Paul McIntosh of Mattac solicitors. He had been advised by the principal firm to attend at “the Edinburgh venue” and was unaware that there was another hearing venue at Riverside House. He attended at George House, George Street, Edinburgh. The Legal Member accepted his apologies and agreed that the CMD could take place with the solicitor phoning into the CMD by conference call.
4. Mr. McIntosh advised the Legal Member that he was seeking an order for payment from the Respondents in the sum of £11,200. He explained that the application had detailed £5200 but that further arrears had brought the amount outstanding to that figure. He confirmed that the Property appeared to be abandoned. The Letting Agent had last visited the Property on 3RD October 2019 and had been unable to access the Property with the keys. The suggestion was that the Respondents had changed the locks. In the circumstances and in view of the dubiety about the Property being abandoned he sought an order from the Tribunal. The Legal Member explained that the application did not incorporate a claim for future sums due and enquired whether the Applicant sought to amend the sum sued for , in which case this amended application would require to be re-served on the Respondents. Mr. McIntosh confirmed that he invited the Tribunal in the circumstances to make an award in the amount requested in the application ie £5200.
5. The Legal Member enquired as to the position with the deposit. After a brief adjournment Mr. McIntosh confirmed that the deposit had not been recovered. He said that the Applicant was waiting to secure access to the Property first to assess it's condition before making an application to Safe Deposit Scotland regarding the deposit return.

Findings in Fact

6. The Applicant is the Director of Wireless Edge Communication Limited who are the owners of the Property. The Applicant is the landlord of the Property.
7. The Respondents are the tenants of the Property.
8. The Respondents have failed to pay the rent due of £1000 per calendar month between 27/03/2018 and 27/04/2019 .
9. The Respondents owe the Applicants the sum of £5200 in unpaid rent.

Reasons for Decision

10. The Legal Member is satisfied that the sum of £5200 in unpaid rent is owed to the Applicant and that an order for payment should be made.

Decision

11. The Tribunal determined that an order for payment in the sum of £5200 should be made against the Respondents in favour of the Applicant.

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.

Yvonne McKenna

 Legal Member/Chair

21st November 2019

Date