

**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/18/2690**

**Re: Property at 24 Black Loch Place, Dunfermline, KY11 8ZD (“the Property”)**

**Parties:**

**Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, KY6 2DA (“the Applicant”)**

**Mr Robert Fraser-Martin, 24 Black Loch Place, Dunfermline, KY11 8ZD (“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 should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £4,572.86.**

**Background**

By application, received by the Tribunal on 8 October 2018, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant under a tenancy of the Property. The application was accompanied by copies of a Short Assured Tenancy Agreement, commencing on 7 July 2017 at a rent of £439.54 per calendar month and of a Rent Statement showing arrears of rent as at 4 October 2018 £3,187.49. This was the sum sought in the application, but by later amendments requested on 7 November 2018 and 10 January 2019, the sum sought was increased, firstly to £3,649.28 and then to £4,572.86. Both amendment requests were accompanied by updated Rent Statements, the last one to 8 January 2019. The Statements showed that the rent had been increased to £450.53 per calendar month from 1 February 2018 and to £461.79 per calendar month from 1 August 2018.

On 3 January 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 20 January 2019.

The Respondent made no written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at The Vine Conference Centre, 131 Garvock Hill, Dunfermline on the morning of 22 January 2019. The Applicant was represented by Ms Jenny Simpson of Stevenson and Marshall Solicitors, Dunfermline, local agents for BTO Solicitors LLP, Glasgow. The Respondent was not present or represented at the Case Management Discussion.

Ms Simpson asked the Tribunal to grant the Order sought 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 decide the application without a hearing.

The Tribunal agreed to the requests for amendments to the application, to increase the amount sought to £4,572.86. The Tribunal was satisfied from the latest Rent Statement, to 8 January 2019, that the sum sought was lawfully due by the Respondent to the Applicant, there having been no payments made since 5 June 2018.

### **Decision**

The Tribunal determined that the application should be granted without a hearing and that an Order for Payment should be made in the sum of £4,572.86.

### **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

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**Legal Member/Chair**

22 January 2019  

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**Date**