



**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/19/2938

Re: Property at 5 Barmuckity Lane, Elgin, IV30 6GN (“the Property”)

Parties:

Mr John Main, 1 Dunkinty, Elgin, IV30 8RA (“the Applicant”)

Mr Kevin Jamieson, present whereabouts unknown (“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 decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £4,275.

Background

By application, received by the Tribunal on 18 September 2019, the Applicant sought an Order for payment in respect of rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £4,275.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 15 August 2014 at a rent of £475 per month and a rent statement showing arrears as at August 2019 of £4,275. The Applicant stated in the application that the Respondent had absconded from the Property sometime in 2019 and that, following service of a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988, the tenancy had officially ended on 15 August 2019. On 14 January 2020, 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 4 February 2020. Intimation to the Respondent was by means of advertisement on the Tribunal’s website between 14 January 2020 and 18 February 2020. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Elgin Library, Coper Park, Elgin, on the morning of 18 February 2020. The Applicant was represented by his wife, Mrs Alix Main. The Respondent was not present or represented. The Applicant asked the Tribunal to determine the application 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 could decide the application without a Hearing.

The Tribunal was satisfied that the sum sought was lawfully due by the Respondent to the Applicant.

Decision

The Tribunal 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 £4,275.

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

18 February 2020

Date