

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/19/2182

Re: Property at 24 Millgate Avenue, Uddingston, G71 5QL (“the Property”)

Parties:

Mr Michael Burns, c/o Happy Lets, 56 Cadzow Street, Hamilton, ML3 6DS (“the Applicant”)

Miss Donna Kerr, 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 granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,905.96.

Background

By application, received by the Tribunal on 11 July 2019, the Applicant sought an Order for Payment in respect of arrears of rent that had become lawfully due by the Respondent. The sum sought was £1,975.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 1 September 2018 and a Rent Statement showing arrears as at 1 July 2019 of £1,975.

On 4 September 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 25 September 2019. Notification to the Respondent was by advertisement on the Tribunal’s website from 3 October 2019 to 7 November 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow on the morning of 7 November 2019. The Applicant was represented by Mrs Lesley Ann Barclay of Happy Lets Ltd, Hamilton. The Respondent was not present or represented. Mrs Barclay advised the Tribunal that the Respondent had vacated the Property on 28 July 2019 and the amount sought was, therefore, reduced to £1,905.96. She asked the Tribunal to grant 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 would determine 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 granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,905.96.

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

7 November 2019

Date