

**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 (Act)**

**Chamber Ref: FTS/HPC/CV/19/2304**

**Re: Property at Flat 1, 5 Colquhoun Place, Helensburgh, G84 8AD (“the Property”)**

**Parties:**

**Mrs Mary Brown, 11 Rosebery Place, Livingston, West Lothian, EH54 6RP (“the Applicant”)**

**Mr Ashley Walker, Mrs Fiona Walker, Flat 1, 5 Colquhoun Place, Helensburgh, G84 8AD (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay the sum of £4,740 to the Applicant**

**Background**

This is an application under section 16 of the Act and Rule 70 of the Tribunal Procedure Rules seeking a payment order in respect of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 23 July 2019;
2. Bank Statements;
3. Schedule of Rent Arrears;
4. Short Assured Tenancy (**SAT**) dated and commencing 23 January 2016;
5. Confirmation received 3 September 2019 of amount sought - £4,740;
6. Sheriff Officer Certificate of Service of CMD Notification dated 25 September 2019.

## **Case Management Discussion (CMD)**

The case called for a CMD on 29 October 2019. The Applicant was present but not represented. The Respondent was not present and was not represented.

The Tribunal considered the Sheriff Officer Certificate of Service of the CMD notification. It was satisfied that the Respondent had notice of the CMD and that the Tribunal could determine the matter in his absence if satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to an SAT commencing 23 January 2019;
2. The monthly rent was £600;
3. As at the date of commencing the current proceedings the rent arrears were £4,740;
4. The Respondent had moved out of the Property on 2 October 2019.

The Tribunal was satisfied that it had been established that the Respondent was due £4,740 in respect of rent arrears and had notice of the application. As no defence or explanation was offered the Tribunal was satisfied that it had sufficient information to make a Decision and that it was fair to do so.

The Tribunal decided that the Respondent was due £4,740 in respect of rent arrears and ordered payment to the Applicant in that amount.

## **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.**

Alan Strain  
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**Legal Member/Chair**

**29 October 2019**

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**Date**