

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/3092**

**Re: Property at 17 Ford Crescent, Thornton, Fife, KY1 4EB ("the Property")**

**Parties:**

**Mr Russell Adams, 27 Cromdale Road, Kilmarnock, Ayrshire, KA1 3RG ("the Applicant")**

**Mr Christopher Galligan, 17 Ford Crescent, Thornton, Fife, KY1 4EB ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gordon Laurie (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that**

**This matter called for a Hearing at 2pm on 9 April 2019 in Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy, KY1 1XT. The Applicant was represented by Mr Mark MacDonald of Fife Letting Service. The Respondent was not present or represented. The Tribunal noted that written intimation of the date of the Hearing was provided to the Respondent at the Property by letter dated 19 March 2019. The Tribunal heard from Mr MacDonald who informed the Tribunal that the Respondent had been evicted from the Property on 1 April 2019. In addition, the Respondent had been allowed back into the Property to collect some personal belongings on 4 April 2019. The Tribunal therefore determined that the Respondent had been provided with the requisite notice of the Hearing and that it was fair to continue with the Hearing.**

**The Tribunal noted that the Applicant had lodged an amendment to the sum claimed in the Payment Order to bring the arrears up-to-date as at the time of the amendment. The Tribunal had intimated that amendment to the Respondent in writing to the Property on 27 February 2019. The Respondent**

had therefore been properly notified of the Applicant's intention to seek a Payment Order in the amended sum.

Mr MacDonald had lodged an up-to-date rent statement and the Tribunal was satisfied that it accurately reflected the level of outstanding arrears.

Having considered all the evidence and having considered the Respondent's failure to comply with the Direction issued following on from the Case Management Discussion on 25 February 2019, the Tribunal granted the Application and made a Payment Order in the amended sum of £3,077.30.

Mr MacDonald did not wish any interest to be awarded. The Tribunal also allowed the address of the Applicant to be amended to 27 Cromdale Road, Kilmarnock, Ayrshire, KA1 3RG.

The Tribunal dispensed with any requirement to intimate such an amendment on account of it being of no consequence to the consideration of the substance of the Application.

#### 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.

  
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Legal Member/Chair

9/4/19  
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Date