



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/19/3468

Re: Property at 77 Burte Court, Bellshill, ML4 3GB (“the Property”)

Parties:

Miss Sonia Majid, c/o 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicant”)

Mr Joseph George Higgins, Mr Steven William McDonnell, 77 Burte Court, Bellshill, ML4 3GB; 77 Burte Court, Bellshill, ML4 3GB (“the Respondents”)

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of £772.50

Background

By application received on 30 October 2019, the applicant sought an order under section 16 of the Housing (Scotland) Act 2014 and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

On 23 August 2018, the application was accepted by the Tribunal and referred for determination by the tribunal.

The Case Management Discussion

The Case Management Discussion (CMD) took place on 10 January 2020. The applicant was represented by Joann Smith, director, Excel Letting Limited, Hamilton. The respondents did not attend.

The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the applicant confirmed that he wished the tribunal to grant the order sought in the application

Findings in Fact

The Applicant and the Respondents as respectively the landlord and tenants entered into a tenancy of the property on 10 November 2017.

The tenancy was a short assured tenancy in terms of the Housing (Scotland) Act 1988

As at 10 January 2020, the respondents owed rent arrears to the applicant in the sum of £1732.50

Appropriate accounting had been provided with the application to the tribunal.

Decision

The applicant wished an order for payment to be granted restricted to the sum initially claimed in the application of £772.50. It was accepted that no intimation of any claim for the higher current arrears had been intimated to the respondents and thus the tribunal was restricted in making any payment order for a sum in excess of the initial amount claimed.

The tribunal was content to grant an order for payment in respect of the sum initially claimed.

The order for payment of the sum of £772.50 is granted

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.

Legislator's name

10 January 2020

Date