

**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/19/1852**

**Re: Property at 5B Main Street, Bonhill, G83 9JU (“the Property”)**

**Parties:**

**Mr Hugh Wells, 55 Ashton View, Dumbarton, G82 5DP (“the Applicant”)**

**Ms Aileen McMartin, 5B Main Street, Bonhill, G83 9JU (“the Respondent”)**

**Tribunal Members:**

**Jim Bauld (Legal Member)**

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

**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 THREE THOUSAND NINE HUNDRED AND TWENTY NINE POUNDS AND ONE PENNY (£3929.01).**

**Background**

1. By application received on 17 June 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.
2. On 28 June 2019 the application was accepted by the Tribunal and referred for determination by the Tribunal.

## **The Case Management Discussion**

3. The case management discussions took place initially on 13 August 2019 and 1 October 2019. On both occasions the applicant was represented by her solicitor Mr Allan Niblett of Philpot Platt & Niblett Solicitors, Dumbarton. On each occasion the case management discussion was continued to allow the applicant to lodge an application for recovery of possession and for that application to be conjoined with this one. An application was subsequently made to the Tribunal for recovery of possession under Tribunal reference FTS/HPC/EV/19/2785.
4. A further case management discussion took place on 12 November 2019 in respect of both this application and the application under reference FTS/HPC/EV/19/2785.
5. At the case management discussion on 12 November, the Applicant was again represented by her solicitor Mr Allan Niblett. The respondent was again not present nor represented.
6. The Tribunal explained the purpose of the case management discussion and the powers available to the Tribunal to determine the matter. The Tribunal asked various questions with regard to the application and the applicant's solicitor confirmed that he wished the Tribunal to grant the orders sought in the application.

## **Findings in Fact**

7. The applicant and the respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 8 June 2016.
8. The tenancy was a short assured tenancy in terms of the Housing (Scotland) Act 1988.

9. As at the date of the case management discussion on 13 August 2019 the respondent owed rent arrears to the applicant in the sum of £3929.01. Appropriate accounting for this amount had been provided with the application to the Tribunal.

### **Decision**

10. The order for payment of the arrears is granted. The Tribunal accepts the unchallenged evidence of the applicant's solicitor that rent arrears are extant at the level claimed.

### **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.**

**Jim Bauld**

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**Legal Member/Chair**

**Date 12 November 2019**