



**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/23/1072**

**Re: Property at 41 South Park, Armadale, Bathgate, West Lothian, EH48 3LD  
("the Property")**

**Parties:**

**Mr David Fell, Torbanehill House, Swineabbey, East Whitburn, EH47 7RH ("the  
Applicant")**

**Miss Jordon Brown and Mr Cameron Wallbanks, both 200 Hope Park Gardens,  
Bathgate, West Lothian, EH48 2QX ("the Respondents")**

**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 decided without a Hearing  
and made an Order for Payment by the Respondent to the Applicant of the sum  
of £5,400.**

**Background**

By application, dated 3 April 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicant. The sum sought was £5,400.

The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties, commencing on 2 June 2017 at a rent of £550 per month and a Rent Statement showing arrears as at 14 December 2022 of £5,600. The Applicant stated that the Respondent vacated the Property at the end of October 2022, the final rent payment having, therefore, been due on 1 October 2022. The Respondents had not paid more than £500 per month since September 2020, and had failed to pay any rent at all on 9 occasions between then and the termination of the tenancy.

On 20 July 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 10 August 2023. The Respondent did not make any written representations to the Tribunal, but on 16 August 2023, the First-named Respondent requested an extension so that she could seek legal advice. That request was refused by the Tribunal as it had been made so close to the date of the Case Management Discussion and there was, in any event, a second Respondent. The First-named Respondent was advised that she would have the opportunity at the Case Management Discussion to address the Tribunal regarding her request.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 21 August 2023. The Applicant was present. The Respondents were not present or represented.

The Applicant told the Tribunal that no payment had been received since the date of the application.

### **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 sufficient information and documentation to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant. The Tribunal noted that the First-named Respondent had chosen not to participate in the Case Management Discussion and to address the Tribunal with regard to a request for an extension.

### **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

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Legal Member/Chair

**21 August 2023**  
Date

