



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/19/2939

Re: Property at 13 Lomond Avenue, Hurlford, KA1 5HJ (“the Property”)

Parties:

Mr Edward Clark, 50 Belvedere View, Galston, Ayrshire, KA4 8QB (“the Applicant”)

Mr Hugh Hastings, present whereabouts unknown (“the Respondent”)

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 granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £719.52.

Background

By application, received by the Tribunal on 18 September 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £719.52.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 14 September 2018 at a monthly rent of £450 and a Rent Statement showing arrears as at 17 May 2019 of £719.52. This figure included £44.52 for the period from 14 May to 17 May 2019.

In the application, the Applicant stated that the Respondent had failed to pay the rent that had become due on 14 December 2018. He had agreed to pay up the shortfall at the rate of £100 per month. He had made the additional payment in January 2019, but had paid only £50 towards the arrears in January 2019 and £75 in February. He had not paid the rent that fell due on 14 April 2019. In later correspondence, the Applicant advised the Tribunal that the Respondent had vacated the Property on 17 May 2019.

On 15 November 2019, the Tribunal advised the parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 6 December 2019. Service on the Respondent was by advertisement on the Tribunal's website between 15 November 2019 and 18 December 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunal Centre, 20 York Street Glasgow on the afternoon of 18 December 2019. The Applicant was represented by Holly Sloey of Jackson Boyd LLP solicitors, Glasgow. The Respondent was not present or represented. Ms Sloey confirmed that no payment had been received from the Respondent since the date of the application and asked the Tribunal to grant the application without a Hearing.

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 all the information and documentation it required and that it could decide the application without a Hearing.

The Tribunal was satisfied that the sum sought, namely the balance of rent unpaid for January 2019 (£225), the rent due on 14 April 2019 (£450) and the rent due from 14 May to 17 May 2019 (£44.52) was lawfully due by the Respondent to the Applicant and that an Order for Payment should be made.

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £719.52.

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

Legal Member/Chair

18 December 2019

Date