

**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/18/0099**

**Re: Property at 37 Thistle Street, Cowdenbeath, Fife, KY4 8NF (“the Property”)**

**Parties:**

**Mr Brian Duncan, 42A Station Road, Cardenden, Fife, KY5 0BP (“the Applicant”)**

**Miss Gemma Muirhead, 37 Thistle Street, Cowdenbeath, Fife, KY4 8NF (“the Respondent”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member)**

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

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

**Background**

The Tribunal considered an application dated 11<sup>th</sup> January 2018 brought in terms of Rule 70 (Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988) of the First -Tier Tribunal for Scotland Housing and Property Chamber ( Procedure) Regulations 2017 as amended.

The Applicant provided the Tribunal with a copy of the short assured tenancy agreement and a schedule of unpaid rent for the period from August 2017 to January 2018 together with a bank statement dated 1 December 2017 showing payments made to the Applicant’s business account.

The Respondent did not attend the Tribunal on 15<sup>th</sup> March although the application and supporting documents together with notice of the date of the Tribunal had been validly served on her and I was presented with executions of service of these documents.

## **Case Management Discussion**

The Applicant and his Representative Mr Burt were ready to proceed and wished to go ahead and I was satisfied that it was appropriate to proceed in the absence of the Respondent in terms of rule 29 of the First -Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.

The Tribunal was directed to the schedule of unpaid rent lodged by the Applicant. The Tribunal was advised by the Applicant and his representative that the Respondent had at no time made either of them aware of any difficulties she had in paying the rent which could have been due to delays in receiving Housing or other state benefit or indeed any other issue which could have caused a difficulty in payment of the rent.

The Tribunal was given information by the Applicant and his representative regarding additional unpaid rent in the sum of £820 which had fallen due for February and March 2018. The tribunal was also advised of two payments made towards the outstanding rent in the sum of £710 by or on behalf of the Respondent.

The Tribunal was advised that the up to date total of outstanding rent due by the Respondent to the Applicant in respect of the tenancy taking account of payments made and the sums falling due for February and March 2018 was in the sum of £2570.

The Applicant sought a payment order for that amount.

## **Statement of Reasons**

The Tribunal was satisfied on the information before it that the sum of £2570 in unpaid rent is lawfully due in terms of the tenancy at 37 Thistle Street, Cowdenbeath, Fife KY4 8NF by the Respondent to the Applicant and that there were no reasons presented before the Tribunal to suggest such an order should not be made.

## **Decision**

The Tribunal makes a payment order of £2570 against the Respondent in favour of the Applicant.

## **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.**

**Valerie Bremner**

**March 15<sup>th</sup> 2018**

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**Legal Member/Chair**

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**Date**