

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

---



**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/19/0514**

**Re: ~~Property at 22A Montgomery Street, East Kilbride, G74 4JS ("the Property")~~**

**Parties:**

**Mr Richard M Madden, 8J Glenford Place, Ayr, KA7 1LB ("the Applicant")**

**Mr Mark Lee Nolan, 22A Montgomery Street, East Kilbride, G74 4JS ("the Respondent")**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that a payment order in the amount of £2340 should be granted.**

**Background**

On 15<sup>th</sup> February 2019 the Applicant lodged an application seeking payment of all outstanding rent arrears from the Respondent.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Screenshots of text communications with the Respondent

Sheriff Officers could not effect service of the papers, and the action was served by way of Advertisement on the Tribunal's website.

The Applicant's representative sent an email to the Tribunal on 29th April 2019, advising that further sums for furniture removal and cleaning were being sought.

## Case Management Discussion

The Applicant, Richard Madden, and his wife Madge Madden, were present. The Respondent was not present and was not represented.

Mr Madden told the Tribunal that the Respondent had vacated the property. He said that he was seeking payment of the rent arrears and the additional sums. The rent arrears were for the months of December 2018, and January, February and March 2019. This totalled £2340.

The Chairperson pointed out that the email of 29<sup>th</sup> April 2019 effectively sought to amend the case by bringing in a new matter, and she would have to adjourn for the papers to be re-served to include the new matter. Mr Madden said that he was content for an order to be granted today purely for the rent arrears.

## Findings In Fact

1. The parties entered in to a Tenancy Agreement for the property; commencing on 8<sup>th</sup> June 2019;
2. The monthly rental was £585;
3. The Respondent was in arrears to the amount of £2340.

## Reason For Decision

The Respondent did not pay rent in December 2018, and January, February and March 2019.

## 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.

**AK**

Legal Member/Chair

AK  
15/4 5/7/19 AK

Date