



**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/19/3287**

**Re: Property at 64 Glenalmond, Whitburn, West Lothian, EH47 8NS (“the Property”)**

**Parties:**

**Mr Robert Gillies, 7/42 Murieston Road, Edinburgh, EH11 2JJ (“the Applicant”)**

**Ms Charlene Paterson, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (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 should be granted ordering the Respondent to make payment to the Applicant in the sum of TWO HUNDRED AND SIXTEEN POUNDS AND NINETY SEVEN PENCE (£216.97) STERLING**

**FINDINGS IN FACT**

1. The Applicant was the landlord, and the Respondent the tenant, of the Property.
2. The tenancy commenced on 14 April 2014 and terminated on 1 August 2019.
3. The rent payable was initially £500 per month and increased to £510 per month on 1 August 2015.
4. At the date of termination of the tenancy, the Respondent owed rent arrears totalling £216.97.

**FINDINGS IN FACT AND LAW**

1. The Respondent was under a contractual obligation to make payment to the Applicant in the sum of £500 per month for rent for the period 14 April 2014 until 31 July 2015.
2. The Respondent was under a contractual obligation to make payment to the Applicant in the sum of £510 per month for rent for the period 1 August 2015 until 1 August 2019.
3. The Respondent has breached her tenancy agreement by failing to make full payment of rent for the period of her occupation of the let property.
4. The Respondent is liable to make payment to the Applicant in the sum of £216.97.

### **STATEMENT OF REASONS**

1. This case called for a Case Management Discussion on 7 August 2020 by teleconference call. The Applicant took part in the CMD personally. The Respondent did not participate in the CMD, nor was she represented at it.
2. Service of the Application was made on the Respondent personally. She subsequently removed from the property that she was residing in, and her current whereabouts are unknown. Notification of the CMD was made to the Respondent by advertisement on the Tribunal website. I was satisfied that proper service of the CMD had taken place by website advertisement, and I allowed the CMD to take place.
3. The Applicant confirmed that he was seeking payment of £216.97 of rent arrears from the Respondent, all as detailed in his application.
4. In terms of Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal is empowered to do anything at a CMD that it may do at a Hearing, including make a decision.
5. I was satisfied that the Respondent has had proper notification of both the application and the CMD. The Respondent had not lodged any written representation disputing the Applicant's position as set out in the application. She had an opportunity to participate in the CMD and chose not to. For those reasons, I was satisfied that the Respondent did not dispute the allegations in the application.
6. That being so, I granted the order for payment of £216.97 as sought by 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.**

7<sup>th</sup> August 2020

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**Legal Member/Chair**

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**Date**