



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1493

Re: Property at 48 North Seton Park, Port Seton, EH32 0BA (“the Property”)

Parties:

Mrs Carole Brownlee, 17 North Seton Park, Port Seton, EH32 0AE (“the Applicant”)

Ms Sharon Muir, 48 North Seton Park, Port Seton, EH32 0BA (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent to the Applicant in terms of her private residential tenancy at the Property. It called for a case management discussion (‘CMD’) at 10am on 18 October 2021, by teleconference. The Applicant called in to the conference and was represented by Mr McLeod of Garden Stirling Burnet, solicitors. The Respondent did not call in to the conference and was not represented. The commencement of the CMD was delayed by 10mins to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

- Findings in Fact

1. The Respondent lets the Property from the Applicant in terms of a private residential tenancy with a start date of 1 February 2019.
2. In terms of that agreement, rent of £800 is due in the first day of each month.
3. On 1 November 2020, the Respondent paid only £700 towards her rent.
4. On 1 December 2020, the Respondent paid only £500.50 towards her rent.
5. The Respondent did not pay any rent from January to June 2021.
6. When this application was made, in June 2021, the Respondent owed the Applicant £5,199.50 in rent arrears.
7. The Respondent had not made any payment towards those arrears as at the date of the CMD.

- Reasons for Decision

8. The Respondent owes the Applicant at least the sum sought in the application and an order for payment of that amount should therefore be made.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of £5,199.50 (FIVE THOUSAND, ONE HUNDRED AND NINETY-NINE POUNDS AND FIFTY PENCE STERLING).

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.

N. Young

28 October 2021

Legal Member/Chair

Date