



**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/22/3420**

**Property : 17 John Street, Larkhall ML9 2ET ("Property")**

**Parties:**

**Thomas Hamilton, 12 Murrayside, Stonehouse ML9 3QU ("Applicant")**

**GBS Lets, 82 Union Street, Larkhall ML9 1DR ("Applicant's Representative")**

**Sophie Borland, 37 Spinningdale, Stonehouse ML9 3QS ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £1423.68 should be made.**

**Background**

The Applicant sought an order for payment of £1423.68 in respect of rent arrears . The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 8 February 2019; a rent statement showing arrears of £1423.68; and sheriff officer's execution of service certifying service of the Application on 12 January 2023.

**Case Management Discussion**

A case management discussion took place before the Tribunal on 27 February 2023 by teleconference. Barry Munro of the Applicant's Representative was in attendance. There was no appearance by the Respondent. Mr Munro told the Tribunal that the tenancy had ended some time ago. He said that the Respondent did not pay the full amount due at the beginning of the tenancy. The arrears then levelled off for a while and then increased to the sum claimed. He said that the Respondent had left the Property and was not in contact regarding payment of the arrears. The deposit had been applied to the arrears.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 8 February 2019 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £395 per month.
3. The Respondent had failed to pay the rent in full since the commencement of the tenancy. The unpaid amount was £1423.68.
4. Notice of the date of the case management discussion had been given to the Respondent on 12 January 2023.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £395 per month. The Respondent had failed to pay the rent in full since the commencement of the tenancy.

### **Decision**

The Tribunal grants an order for payment of £1423.68.

### **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.**

**J Devine**

**Legal Member**

**27 February 2023**