



**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/22/4392

Re: Property at 73 Moorfoot Avenue, Paisley, PA2 8AB (“the Property”)

Parties:

Mrs Linda Aitken, 180 Wraes View, Barrhead, Glasgow, G78 1UL (“the Applicant”)

Ms Lorna Clements, Flat 2/1, 2 Broomlands Court, Paisley, PA1 2LN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of TWO THOUSAND ONE HUNDRED AND THREE POUNDS (£2103.00)

Background

1. By application dated 9th December 2022 the applicant seeks an order for payment in respect of rent arrears.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Letter to the respondent regarding outstanding arrears dated 11th November 2022
 - Rent statement
 - Copy bank statements

3. A case management discussion (“cmd”) was assigned for 6th March 2023.

Case management discussion – 6th March 2023- teleconference

4. The applicant attended the cmd on her own behalf. The respondent was not present or represented. The Tribunal noted that proper notice of the cmd had been given to the respondent and in particular, Sheriff Officers had served relevant papers on the respondent. The Tribunal determined to proceed with the cmd in the respondent’s absence in terms of Rule 29.
5. The applicant explained that she had tried to contact the respondent to reach an agreement regarding the outstanding arrears. She had offered to reduce the amount being sought if the respondent was prepared to make an offer but the respondent had failed to engage.
6. The applicant confirmed that the tenancy agreement commenced on 12th November 2018. The rent payable was £500 per month. The applicant stated that throughout the term of the tenancy agreement until the tenant left in July 2022 there had been many occasions when the tenant had underpaid the rent due. As at the date the tenant moved out the arrears amounted to £1603.
7. The applicant advised that in terms of the application she was seeking a further two months rent as the tenant required to provide two months’ notice before leaving the property. During the cmd it was noted that the clause in the lease relating to notice periods required by the tenant specified that the required notice period was one month. The applicant sought to amend the amount being sought by reducing it by £500 to reflect her error in stating that two months’ notice had been required.

Findings in fact

8. Parties entered in a tenancy agreement with a commencement date of 12th November 2018.
9. Monthly rent due in terms of the agreement was £500.
10. Arrears as at July 2022 amounted to £1,603.
11. In terms of the tenancy agreement the respondent required to give one months’ notice to terminate the tenancy agreement.
12. The tenant failed to give notice that she was leaving the tenancy.

Reasons for the decision

13. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account oral submissions at the cmd.
14. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
15. The Tribunal was satisfied that the arrears at the property amounted to £2,103 as at the date of the cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of two thousand one hundred and three pounds (£2103).

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.

M-C Kelly

6th March 2023