



**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/20/2537**

**Re: Property at 33 Thornhill Road, Hamilton, ML3 9PS (“the Property”)**

**Parties:**

**Mr Martyn Anstey, 46 Cedars Road, Exeter, Devon, EX2 4NA (“the Applicant”)**

**Miss Laura McDonald, 33 Thornhill Road, Hamilton, ML3 9PS (“the Respondent”)**

**Tribunal Member:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £4,000, subject to a time to pay direction, requiring the Respondent to pay that sum by instalments of £200 per fortnight.**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £3,600. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at the property. The Tribunal intimated the application to the parties by letter of 7<sup>th</sup> January 2021 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 28<sup>th</sup> January 2021. The Respondent submitted an application for a time to pay direction, offering payment at the rate of £200 per fortnight. In advance of the case management discussion, the Applicant

sought to amend the sum sought to £4,000 in respect that a further month's rent was unpaid.

The Respondent contacted the Tribunal by email on 9<sup>th</sup> February 2021 to advise that she would be unable to take part in the case management discussion and provided details of a change in circumstances of her and her husband.

### **The Case Management Discussion**

The Applicant was represented by Miss Laurie of First Stop Properties Ltd and the case management discussion proceeded in the absence of the Respondent. The Applicant's representative moved to increase the sum sought to £4,000 to reflect the up to date level of rent arrears. The Applicant had already lodged an up to date rent statement showing how that figure was calculated. The Applicant had no objection to the Respondent's application for a time to pay direction.

### **Findings in Fact**

1. The parties entered into a Tenancy Agreement dated 5<sup>th</sup> April 2020.
2. The rent payable is £400 per month, payable in advance.
3. As at the date of the case management discussion, the rent arrears amounted to £4,000.
4. The Applicant is entitled to the Order sought for payment in the sum of £4,000.

### **Reason for Decision**

The Applicant has produced a rent statement which shows that the rent arrears amounted to £4,000 as at the date of the case management discussion. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment. The Tribunal had regard to the Respondent's circumstances and granted the application for a time to pay direction, requiring the Respondent to repay the arrears at the rate of £200 per fortnight.

### **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.



Nicola Irvine  
Legal Member/Chair

11<sup>th</sup> February 2021  
Date