



**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/20/2638**

**Re: Property at 38 Kirk Street, Coatbridge, ML5 1BP (“the Property”)**

**Parties:**

**Mr Lendrick Gillies, 132 St Johns Road, Edinburgh, EH12 8AX (“the Applicant”)**

**Mrs Kimberley Wilson, 38 Kirk Street, Coatbridge, ML5 1BP (“the Respondent”)**

**Tribunal Members:**

**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 for the sum of £1,211.52.**

**Background**

[1] The Applicant submitted an application seeking an order for payment in the amended sum of £1,241.52. That sum related to arrears of rent incurred by the Respondent’s in respect of her occupation at the property. The Tribunal held a case management discussion on 23 February 2021 and reference is made to the notes of that case management discussion.

**The Case Management Discussion**

[2] The Applicant was represented by Mr Clark. He participated in the discussion which took place by conference call. The discussion proceeded in the absence of the Respondent. The Applicant’s representative advised that since the last case management discussion, the Respondent had made 2 payments of £15 and then next payment of £15 is due to be made by the Respondent tomorrow. He advised that the deposit has not yet been released and accordingly the

arrears at present amount to £1,211.52. The Tribunal observed that on 23 February 2021, the Respondent had accepted the level of rent arrears at that time. The Tribunal has not received any further correspondence from the Respondent and there is no time to pay application to be considered. The Applicant's representative advised that the Respondent vacated the property on 11 March 2021. He is hopeful that payment of the arrears will be made in accordance with the agreement reached with the Respondent. However, he moved the Tribunal to grant an order for payment in the reduced sum of £1,211.52 today.

### **Findings in Fact**

[3]

1. The parties entered into a Tenancy Agreement dated 29 May 2020.
2. The rent payable was £495 per month, payable in advance.
3. The Respondent has incurred rent arrears amounting to £1,211.52.
4. The Applicant is entitled to the Order sought for payment in the reduced sum of £1,211.52.

### **Reason for Decision**

[4] The Applicant has produced documentation which shows that the Respondent has incurred rent arrears to the extent of £1,241.52 as at 23 February 2021 and advised that 2 payments have been made since then. The Respondent previously accepted that the rent arrears due are correctly set out in the rent statement. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondent is liable to pay rent arrears and therefore granted the order for payment.

### **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**

U

---

Legal Member/Chair

16 March 2021

---

Date