



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/23/2012**

**Re: Property at 25 Swisscot Avenue, Hamilton, ML3 8DN (“the Property”)**

**Parties:**

**Muirhouse Properties Ltd, Unit 11a, Block 3, Dunedin Road, Larkhall Industrial Estate, Larkhall, ML9 2PA (“the Applicant”)**

**Mr Gary Brown, 87 Logan Street, Blantyre, G72 0NT (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £1,000.50. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement and a statement of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place by telephone conference at 10am on 8 November 2023. The Applicant was represented by Ms C Young, of ELT Lettings. There was no appearance by or on behalf of the Respondent.

**Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 04/12/2017. The respondent vacated the property on 26/11/2018.
2. The rent in terms of section 8 of the Tenancy Agreement was £375 per month.
3. The Respondent failed to make payment of rent due on 04/09/2018, 04/10/2018, and 04/11/2018. When he vacated the property, there were rent arrears totalling £1,000.50, which is the sum now claimed by the applicant. At the date of application, there were arrears of rental totalling £1000.50. At today's date there are arrears of rental totalling £1,000.50.
4. Notice of the time, date, and method of joining, today's hearing was given by advertisement placed on the website of the First-tier Tribunal for Scotland (Housing & Property Chamber) on 06/10/2023.
5. The respondent offers no resistance to the application.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £1,000.50. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £375 per month. Between 04/09/2018 and 26/11/2018 the Respondent did not pay any rent. There are arrears of rental due by the respondent to the applicant totalling £1,000.50.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an 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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

# Paul Doyle

**Legal Member**

**Date 8 November 2023**