



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2797

Re: Property at 28 McLaren Court, Hawick, TD9 8HN (“the Property”)

Parties:

Mrs Vivian Zhengfilms, 7 Copsewood, Peterborough, Cambridgeshire, PE4 6BN (“the Applicant”)

Miss Lisa Strathdee, 6b Havelock Place, Hawick, TD9 7BE (“the Respondent”)

Tribunal Members:

**Andrew McLaughlin (Legal Member)
Eileen Shand (Ordinary Member)**

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order against the Respondent in the sum of £2,850.00.

Background

[2] The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements. There had been a previous Case Management Discussion which was continued to allow for the Applicant to amend the sum claimed. The Applicant had subsequently amended the sum claimed in the Application to the sum of £2,850.00.

The Hearing

[3] The Application called for a Hearing by conference call at 10 am on Monday 15 January 2024. The Applicant was represented by Ms Paterson of Lowrie Property. There was no appearance by or on behalf of the Respondent. On the basis that the

Respondent had received intimation of the Application by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent. Ms Paterson confirmed that she had no preliminary matters to raise and that she still sought the sum claimed of £2,850.00 albeit the rent arrears had subsequently increased.

[4] Having considered the Application and having heard from Ms Paterson, the Tribunal made the following findings in fact;

Findings in Fact

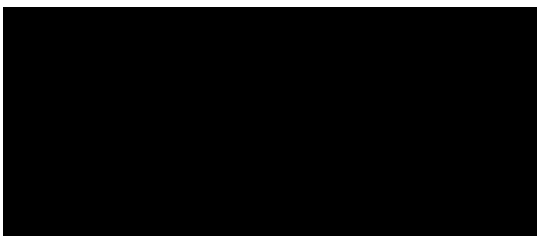
- I. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement;*
- II. The contractual monthly rent was £450.00;*
- III. The Respondent fell into rent arrears and last made any rental payments in April 2023;*
- IV. The sum claimed of £2,850.00 is resting owed as rent arrears by the Respondent to the Applicant.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal, granted the Application and made a Payment Order in the sum of £2,850.00. No award of interest was sought.

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.



Legal Member/Chair

15 January 2024

Date