

**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/23/4588

Property: 5 Hunters Avenue, Dumbarton, G82 2RX

Parties:

Nicole McCubbin, residing at 7 Dumbuck Gardens, Dumbarton, G82 1DA ("the Applicant")

and

Ms Charlene Black, formerly residing at 5 Hunters Avenue, Dumbarton, G82 2RX  
("the Respondent")

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Gordon Laurie (Ordinary Member)**

**Decision**

**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 £8,800.00. The Applicant had lodged with the Tribunal Form F. The documents produced included a Private Residential Tenancy agreement, A notice to quit, a s.11 Notice, and a schedule 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 10.00am on 7 March 2024. The applicant was represented by Ms A Wooley Bannatyne Kirkwood France & Co, solicitors. The respondent was neither present nor represented. The respondent has been given timeous notice of the time, date, and method of joining, the Case management Discussion.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy agreement for the Property dated 26 February 2021. In terms of the tenancy agreement the respondent agreed to pay rental at the rate of £1,100.00 per month.
2. The respondent fell into arrears of rental The respondent stopped paying rental in April 2023, but continued to occupy the property until 5 March 2024. At the date of application there were arrears of rent totalling £8,800.00.
3. The respondent vacated the property on 5 March 2024. By then, there were rent arrears totalling £11,00.00.
4. The applicant asks to amend the sum claimed by increasing the sum applied for from £8,800.00 to £11,000.00 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
5. The application is amended so that the sum applied for is £11,000.00.
6. The respondent offers no resistance to the application for a payment order
7. There is no suggestion that the respondent is in arrears of rent either wholly or partly as a consequence of a delay or failure in the payment of a relevant benefit.
8. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £11,000.00 together with interest at 4% per annum from 7 March 2024.

## **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.**

**P. Doyle**

**Legal Member**

**7 March 2024**