



**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/23/4535**

**Re: Property at 6E Victoria Street, Dumbarton, G82 1HT (“the Property”)**

**Parties:**

**Mr Christopher Martin, 8 Queens Point, Shandon, G84 8QZ (“the Applicant”)**

**Ms Donna McKenzie, 69 Barnhill Road, Dumbarton, G82 2SD (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £2000.55.**

**Background**

1. By application dated 15 December 2023 the Applicant’s representatives, Lomond Letting Ltd, Helensburgh, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement, proof of rental increase and proof of Respondent’s address in support of the application.
2. By Notice of Acceptance dated 18 January 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 18 March 20 24.

### **The Case Management Discussion**

4. A CMD was held by teleconference on 23 April 2024. The Applicant did not attend but was represented by Miss Renee Anderson of Lomond Letting Ltd. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
5. Miss Anderson confirmed that the Respondent's tenancy ended on 9 September 2023 and that at that time she owed rent of £2000.55. Miss Anderson advised the Tribunal that the Respondent's deposit had been paid to the Applicant to partially cover the cost of repairs to the property required at the end of the tenancy. None of the deposit had been allocated to rent. The Tribunal noted that although the rent had been increased in November 2022 the Respondent had not made any increased payments and had also not paid rent in November 2022 and March, April and May 2023. The Tribunal noted that the rent statement showed the Respondent owed rent of £2000.55 at the end of the tenancy. Miss Anderson asked the Tribunal to grant an order for payment in that amount.

### **Findings in Fact**

6. The Respondent owed rent of £2000.55 as at 9 September 2023 and this amount was still outstanding at the date of the CMD.

### **Reasons for Decision**

7. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £2000.55.

### **Decision**

8. The Tribunal finds the applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £2000.55.

## **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.**

**Graham Harding  
Legal Member/Chair**

**23 April 2024  
Date**