



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

**Chamber Ref: FTS/HPC/CV/24/0023**

**Re: Property at 65 Earlston Crescent, Coatbridge, ML5 4UH (“the Property”)**

**Parties:**

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

**Mrs Caroline Stephen, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (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 granted in favour of the Applicant in the sum of £1880.**

**Background**

1. This is an application made under Rule 111 and received on 3<sup>rd</sup> January 2024. The Applicant is seeking an order for payment in the sum of £1880 in respect of rent arrears. The Applicant lodged a copy of a private residential tenancy agreement that commenced on 30<sup>th</sup> June 2020, together with a rent statement, and copy pre-action correspondence.
2. By email dated 21<sup>st</sup> March 2024, the Applicant representative lodged an updated rent statement showing arrears in the sum of £2980.
3. Intimation of the application and a forthcoming Case Management Discussion was made upon the Respondent by Sheriff Officer on 22<sup>nd</sup> March 2023.

**The Case Management Discussion**

4. A Case Management Discussion (“CMD”) took place by telephone conference on 1<sup>st</sup> May 2024. The Applicant was not in attendance and was represented by Mr Paul Clark, Aquila Management Services. The Respondent was not in attendance.

5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied. The Tribunal determined it was appropriate to proceed with the application in the absence of the Respondent.
6. Mr Clark said the Respondent left the Property on 8<sup>th</sup> April 2024. A Notice to Leave had been served in October 2023 and the Respondent, who was already in arrears, stopped paying rent at that time. The arrears are currently £3100.
7. The Tribunal offered Mr Clark the opportunity to continue the CMD to make a proper application to amend the sum sought in terms of Rule 14A, including intimating the application upon the Respondent. Mr Clark moved the Tribunal to grant a payment order in the original sum sought.

### **Findings in Fact and Law**

7.
  - (i) Parties entered into a private residential tenancy agreement that commenced on 30<sup>th</sup> June 2020 with monthly rent due in the sum of £550.
  - (ii) The tenancy ended on 8<sup>th</sup> April 2024.
  - (iii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
  - (iv) The Applicant is entitled to recover rent lawfully due.

### **Reasons for the decision**

8. Rent lawfully due in terms of the tenancy agreement between the parties has not been paid by the Respondent. The Applicant is entitled to recover rent lawfully due.

### **Decision**

9. An order for payment is granted in favour of the Applicant in the sum of £1880.

### **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.**



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**Legal Member/Chair**

**1<sup>st</sup> May 2024**

**Date**