



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/24/0528

Re: Property at 23 Finnie Wynd, Motherwell, ML1 2JJ (“the Property”)

Parties:

Mr Joseph McCusker, 2 Dundas Road, Dalkeith, Midlothian, EH22 3EW (“the Applicant”)

Ms Ruth Morris, 23 Finnie Wynd, Motherwell, ML1 2JJ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Mary Lyden (Ordinary 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

1. The Applicant lodged an application on 1st February 2024 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 26th November 2018 and showing a rent of £575 per month
 - b. Rent Statement
3. The Application was served on the Respondent by Sheriff Officer on 10th May 2024.
4. On 14th May 2024 the Applicant’s solicitor lodged an application to amend the sum sought to £4114, and lodged an up to date rent statement.

Case Management Discussion

5. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Miss Brechanay of TC Young, Solicitors. The Respondent did not attend and was not represented.
6. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
7. Miss Brechany confirmed that the Respondent had now vacated the property. She asked that an order be granted for payment, in the amended amount of £4144.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. On 5th May 2024 the rent arrears owed were £4144.

Reasons for Decision

The Respondent owes rent to the Applicant as at 5th May 2024 in the amount of £4144.

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

17/06/2024

Date