



**Decision 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/23/2194**

**Re: Property at 1 Wellgate, Lanark, ML11 9DS (“the Property”)**

**Parties:**

**Braxfield, 63 High Street, Biggar, ML12 6DA (“the Applicant”)**

**Miss Taylor Forrest, 5 Wellwood Avenue, Lanark, ML11 7HR (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant of the sum of Three Thousand Seven Hundred and Twenty Three Pounds and Six Pence (£3,723.06)**

**Introduction**

1. The application seeks a payment order relating to arrears of rent and is under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. Reference is made to CMD notes from 3 November 2023 and 9 February 2024.
2. The applicant was represented by Miss Abbie Robinson of Remax Clydesdale Lettings. There was no appearance by or on behalf of the respondent. She has not engaged in earlier hearings in this process.

## Findings and Reasons

1. The property is 1 Wellgate, Lanark ML11 9DS. The applicant, and named landlord on the written lease is Braxfield. The respondent is Miss Taylor Forrest who is the tenant. It is evidenced that whilst the named applicant is not the title holder of the property, the partners and trustees of the firm Braxfield have a pending application with the Land Register (which has been pending now for over 5 years). The tribunal was satisfied that the applicant is entitled to bring the current application.
2. A private residential tenancy was entered into between the parties which commenced on 4 April 2019. The rent stipulated was £350 per month. No deposit was paid. The tenant vacated the property on 5 December 2023.
3. The respondent fell into arrears of rent throughout the duration of the lease. The applicant's representative has amended the sum sought from £1,812.20 to £3,723.06. These arrears are evidenced by an unchallenged credible and reliable detailed rent statement which the tribunal attached significant weight to.
4. The applicant is entitled to recover arrears of rent lawfully due under and in terms of the written lease between the parties. The tribunal therefore granted a payment order against the respondents in the sum of £3,723.06. There is no opposition by the respondent and no time to pay direction application has been made by the respondent.

## **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.**

**R Mill**

**14 June 2024**

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**Legal Member/Chair**

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**Date**