



**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/24/1121**

**Re: Property at 9B Petendrea Court, Bonnyrigg, Midlothian, EH19 2AF (“the Property”)**

**Parties:**

**LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way, Dunfermline, KY11 8PL (“the Applicant”)**

**Ms Lauren Yule, 11 Corby Craig Grove, Bilston, EH25 9TN (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of ONE THOUSAND EIGHT HUNDRED AND FORTY ONE POUNDS AND FIFTY FOUR PENCE (£1,841.54) STERLING**

**Background**

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.

2. The application contained the tenancy agreement, rent statement, and communication note with tenant.
3. A case management discussion took place on 2 July 2024. In attendance was the applicant's representative, Ms Maxwell from LAR Housing Trust. Notice of the case management discussion had been made by sheriff officers on 29 May 2024. The respondent did not appear. The tribunal was prepared to proceed in her absence given she had notice of today's hearing.

### Discussion

4. The applicant's agent advised that the respondent currently owed £1,841.54 as at 2 July 2024. She advised she sought an order for payment for that sum.
5. She had submitted the tenancy agreement, rent statement, correspondence with the respondent and letter about a rent increase. The tenant had left the property on 19 August 2020. The only payments after that had been from the tenancy deposit. There had been no contact from the respondent, no offers to repay and no payment to reduce the arrears.
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8. There had been some contact with the respondent but there was no offer to repay the arrears. She advised that other than benefits the respondent had never made any payments to arrears.
9. She moved for an order for the sum in the application.

### Findings in Fact

10. The Tribunal found the following facts established: -

11. There existed a private residential tenancy between LAR Housing Trust and Lauren Yule.

12. The tenant was Lauren Yule.

13. The landlord was LAR Housing Trust.

14. The property was 9B Petendreia Court, Bonnyrigg, Midlothian.

15. It had commenced on 13 September 2018.

16. It had ended on 19 August 2020.

17. The tenancy stated that rent was £595 a calendar month payable in advance. Rent had had increased to £614.00 per month on 1 May 2020.

18. Rent arrears as of 9 October 2020 were £1,841.54. There had been no payments by the tenant since that date to reduce the arrears.

19. The arrears as at 2 July 2024 were £1,841.54.

### Reasons for Decision

20. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, failure to pay contractual rent, is one of those matters.

21. The applicant's agent appeared. The respondent did not appear. The applicant's agent confirmed that she sought an order for payment.

22. The tenancy contract provided that rent of £595 per month was payable by the tenant. The rent had increased since the tenancy had commenced. There was a clause in the tenancy agreement allowing for rent increases. The tenant had failed to pay all or some of her rent. A rent statement had been submitted showing the rent arrears due. As of 9 October 2020, the tenant owed £1,841.54 in rent. She was in breach of contract with the landlord. The arrears had not reduced since 9 October 2020 or since the application was made.

23. Considering the papers and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for payment of the sum sued.

### Decision

24. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of ONE THOUSAND EIGHT HUNDRED AND FORTY ONE POUNDS FIFTY FOUR PENCE (£1,841.54) STERLING.

### **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.**

Melanie Barbour

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**Legal Member/Chair**

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**Date:03/07/2024**