



**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**

Reference number: FTS/HPC/CV/23/1837

**Re: Property at 54 Martyn Street, Airdrie, ML6 9AU (“the Property”)**

**Parties:**

Mrs Nicola Shah, residing at Carbeth Farmhouse, Ballochruin Rol, Balfron, Auchterarder, G630LF (“the Applicant”)

Miss Lyndsey McCullagh, 54 Martyn Street, Airdrie, North Lanarkshire, ML6 9AU (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Leslie Forrest (Ordinary member)**

**Decision**

**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 sought an order for payment of rental arrears totalling £968.97. The Applicant had lodged with the Tribunal Form F. The documents produced are a Tenancy Agreement dated 23 January 2020; a notice to leave served on 06/05/2023, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

2. By interlocutor dated 28 June 2023, the application was referred to this tribunal. On 08/08/2023 the First-tier Tribunal for Scotland (Housing and Property Chamber) served notice of referral on both parties, directing the parties to make any further written representations. The applicant’s representative lodged a detailed written submission on 31/08/2023 and updated those submissions on 29 July 2024.

### **Case Management Discussion**

3. A case management discussion took place by telephone conference at 10.00am on 7 September 2023. The Applicant was represented by Ms L Irvine of Homes for Good (Scotland) CIC. There was no appearance by or on behalf of the Respondent. The respondent emailed the tribunal before the Case Management Discussion to say that work commitments prevent her from attending.

4. The application was continued to further Case Management Discussions to enable the respondent to make payments towards the arrears of rental. The applicant undertook to review her position if the arrears of rental were cleared.

5. Continued Case Management discussions took place by telephone conference at 10.00am on 25 March 2024 and again at 10am on 30 July 2024. At both continued case management discussions, the Applicant was represented by Ms J Lawrie of Homes for Good (Scotland) CIC. There was no appearance by or on behalf of the Respondent.

### **Findings in Fact**

6. The Tribunal made the following findings in fact:

(i) The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 23 January 2020.

(ii) The rent in terms of the Tenancy Agreement is £425 per month.

(iii) The respondent failed to maintain prompt and regular payments of rental. By 01/06/2023 arrears of rental totalling 968.97 had accumulated. On 11/04/2022 the respondent agreed to repay the arrears of rental by instalments of £50 per month. By 29/08/2023 there were arrears of rental totalling £543.97.

(iv) The arrears of rental at today's date amount to £465.00.

(v) On 06/05/2023 the applicant served a notice to leave on the respondent. A section 11 notice was served on both the respondent and the local authority by the applicant.

(vi) The respondent remains in the property.

### **Reasons for decision**

7. The respondent offers no resistance to the application for a payment order. On the facts as we find them to be, the respondent owes the applicant £465.00 in unpaid rental.

8. For the foregoing reasons, the Tribunal determined to make an Order for payment.

### **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.**

**P. Doyle**

**Legal Member**

**30 July 2024**