



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

**Chamber Ref: FTS/HPC/CV/23/4071**

**Re: Property at Flat 3/1 10 Clarence Street, Paisley, PA1 1PT (“the Property”)**

**Parties:**

**YCKH Property Investment LTD, 48 Grand View, 296 Farnborough Road, Farnborough, Hampshire, GU14 7GZ (“the Applicant”)**

**Ms Ann Silver, Flat 3/1 10 Clarence Street, Paisley, PA1 1PT (“the Respondent”)**

**Tribunal Members:**

**James Bauld (Legal Member) and Elizabeth Williams (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of Four thousand, six hundred and twenty two pounds and twenty six pence (£4,622.26).**

**Background**

1. By application dated 9 November 2023, the applicant sought an order under section 51 of (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).
2. On 11 December 2023 the application was accepted by the tribunal and referred for determination by the tribunal
3. A Case Management Discussion (CMD) took place on 8 March 2024. Prior to that CMD the respondent had lodged an application for a Time to Pay direction dated 29 february2924. In that application, she indicated that she

accepted the sum claimed was due and outstanding and stating that it would be paid in full by 19 April 2024. She indicated she would be receiving an inheritance from her father's estate and would pay the outstanding sums in full. On that basis the tribunal adjourned the CMD and fixed a hearing.

### **The Hearing**

4. The hearing took place on 28 June 2024 via telephone case conference. The applicant was represented by their letting agent, Ms Ann Linden from Dragon Property Letting, 1037 Sauchiehall Street Glasgow G3 7TZ. The Respondent did not take part.
5. The tribunal asked various questions of the applicant's representative with regard to the application.
6. She confirmed that the respondent has made no payments either of the areas of rent or ongoing current rent. Arrears are continuing to accrue and are rising. The respondent has failed to cooperate with the applicant. She has ignored correspondence relating to the arrears. She wished the order for payment to be made.

### **Findings in Fact**

7. The Applicant is the registered owner of the property.
8. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 3 May 2022.
9. The tenancy was a private residential tenancy in terms of the Act.
10. The initial agreed monthly rental was £475.
- 11.
12. Arrears had started to accrue in November 2022 and at the date of the lodging of the application arrears amounted to £4,622.26.
13. The amount of arrears at the date of the hearing were £ 7,922.26
14. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

### **Reasons for Decision**

15. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondent had failed to

engage with both the applicant and with the tribunal despite having ample opportunity to do so.

16. The tribunal noted that the respondent had accepted in her application for a Time to Pay direction that she accepted that the sum claimed of £4,622.26 was due and outstanding. She had been given time to make the payment. Indeed she had effectively been given an additional two months to do so given the date set for the Hearing. The sum claimed is still outstanding and the applicant is entitled to a payment order.
17. The respondent did not attend the hearing. She has not provided any explanation to the tribunal for her failure to make the promised payment. She has not asked the tribunal to consider making a Time to Pay Direction in respect of the sum claimed by way of instalment payments.
- 18.
19. The tribunal is satisfied that the sum claimed is owed by the respondent and that a payment order should be made

## **Decision**

The order for payment of the sum of £4,622.26 is granted.

## **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**

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**Date**