



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/1916**

**Re: Property at 112 Dundonald Avenue, Johnstone, PA5 0LT (“the Property”)**

**Parties:**

**Dr Chris Woodcock, Mrs Angela Woodcock, Sycamore Cottage, Willow Pit Lane, Derby, DE65 5NF (“the Applicant”)**

**Miss Danielle Henderson, 108 Greenend Avenue, Johnstone, PA5 0LQ (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order in the sum of Three thousand three hundred and sixty seven pounds and sixty one pence (£3367.61) Sterling**

**Background**

- 1 By application to the Tribunal the Applicant sought an order against the Respondent in respect of unpaid rent. In support of the application the Applicant provided a copy of the tenancy agreement between the parties, a rent statement and copy correspondence sent to the Respondent.
- 2 By Notice of Acceptance of Application a Legal Member with delegated powers from the Chamber President intimated that there were no grounds upon which to reject the application. A Case Management Discussion was therefore assigned and a copy of the application paperwork was served upon the Respondent by Sheriff Officers.

## **The Case Management Discussion**

- 3 The Case Management Discussion took place on 4 September 2024. The Applicant was represented by Ms Kellie Deans of Penny Lane Homes in Johnstone. The Respondent was not in attendance. The Tribunal noted that she had been served personally with the application paperwork by Sheriff Officers which included notification of the date and time of the Case Management Discussion. The Tribunal therefore determined that she had received proper notification in terms of Rule 6 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 as amended and therefore determined to proceed in her absence.
- 4 Ms Deans confirmed that the Applicant sought an order in the sum of £3367.61. The tenancy had terminated on 28<sup>th</sup> May 2024. There had been no contact from the Respondent and no proposals for repayment of the outstanding balance of arrears.

## **Findings in Fact**

- 5 The Applicant and the Respondent entered into a tenancy agreement which commenced on 27 December 2013.
- 6 In terms of Clause 3.1 of the said tenancy agreement the Respondent undertook to pay rent at the rate of £520 per month.
- 7 The tenancy between the parties terminated on 28 May 2024.
- 8 As at the date of termination rent arrears of £3367.61 were outstanding.
- 9 Despite repeated requests the Respondent has refused or delayed to make payment of the sum due.

## **Reasons for Decision**

- 10 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion in the absence of the Respondent. The Respondent had been served with the application paperwork. She had been given the opportunity to put forward a response to the application and had chosen not to do so. The Tribunal therefore concluded that it would not be prejudicial to the Respondent for a decision to be made following the Case Management Discussion. There were no issues to be resolved that would require a hearing to be fixed.
- 11 The Tribunal was satisfied based on its findings in fact that the Respondent was liable to pay the Applicant the sum of £3367.61 under the terms of the tenancy agreement between the parties. There was nothing before the Tribunal to contradict the evidence put forward by the Applicant in support of the application.

12 The Tribunal therefore made an order for payment in the sum of £3367.61.

### **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.**

Ruth O'Hare

**5 September 2024**

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**Legal Member/Chair**

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**Date**