



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/24/0119**

**Re: Property at 124 Victoria Street, Blantyre, G72 0EF (“the Property”)**

**Parties:**

**Matthew Redward, 33 Liberty Lane, Addlestone, KT15 1NQ (“the Applicant”)**

**Lorraine Kier Neill, 124 Victoria Street, Blantyre, G72 0EF (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Gerard Darroch (Ordinary 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 Two Thousand Two Hundred and Forty Pounds and Twenty Pence (£2,240.20) with interest thereon at the rate of 8% per annum running from the date of the decision**

**Introduction**

1. This application is under rule 70 and section 16 of the Housing (Scotland) Act 2014. The application seeks recovery of rent arrears.
2. Intimation of the application and Case Management Discussion (CMD) is certified to have been made on the respondent by sheriff officers on 9 May 2024.
3. The applicant was represented by Miss Alexandra Wooley of Bannatyne Kirkwood France & Co. The respondent failed to participate in the hearings on 14 June 2024 and 13 September 2024.

## Findings and Reasons

4. The tribunal attached weight to the entirety of the documentary evidence which is not the subject of challenge. This was found to be both credible and reliable.
5. The property is 124 Victoria Street, Blantyre G72 0EF. The applicant is Matthew Redward who is the heritable proprietor and registered landlord of the property. The respondent is Lorraine Kier Neill who is the tenant.
6. The parties entered into a short assured tenancy which commenced on 7 December 2016. During the subsistence of the tenancy, the respondent fell into rent arrears. The initial contracted rent was one of £450 per month.
7. The respondent is in rent arrears. As at the date of the hearing these stand at £2,240.20 which is evidenced by a detailed rent statement.
8. The applicant seeks to recover the arrears of rent lawfully due under and in terms of the lease. He is entitled to do so.
9. The respondent refused or unreasonably delayed to pay the full rent due and, in the circumstances, a payment order is necessary. No application for a time to pay direction has been made. The parties contracted for 8% interest to be applied to outstanding sums in terms of clause 3 of the written lease so the tribunal applied this rate.

## **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.**

Richard Mills

**13 September 2024**

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**Legal Member/Chair**

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**Date**