



**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/24/0626**

**Re: Property at 5 The Clash, Dykehead, DD8 4LQ (“the Property”)**

**Parties:**

**Mrs Christine (Penny) Lill and Mr David Lill, 30 Crawwood, Tweedbank, Galashiels, TD1 3SU (“the Applicants”)**

**Ms Morag McKay, 5 The Clash, Dykehead, DD8 4LQ (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member) and Elizabeth Dickson (Ordinary Member) (“the tribunal”)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of payment be made requiring the Respondent to pay the sum of FOUR THOUSAND AND SEVENTY POUNDS (£4,070) to the Applicant.**

**Background**

1. On 8 February 2024, the Applicants’ Representative submitted an application to the First-tier Tribunal for Scotland seeking an order of payment in respect of rent arrears.
2. On 5 April 2024, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 2 October 2024.

**The case management discussion**

4. Mr Neil Dymock, represented the Applicant.

5. The Respondent was not present and the tribunal noted that the arrangements for the case management discussion had been intimated to the Respondent by Sheriff Officer on 27 August 2024. It decided to proceed in her absence.
6. The Legal Member explained the purpose of a case management discussion.
7. Mr Dymock invited the tribunal to determine the matter without a Hearing and to grant a payment order. He explained that the sum due to the Applicant by the Respondent is in respect of rent arrears.
8. Mr Dymock said that the rent statements which he had submitted show the level of arrears and that he was seeking an order for £4070. He said that the rent arrears are currently £6450 but that the sum he is seeking an order for is restricted to £4070.

#### 9. Findings in Fact

- (i) The Applicants and the Respondent entered into a short assured tenancy agreement in respect of the Property on 1<sup>st</sup> June 2009.
- (ii) The tenancy commenced on 1 June 2009.
- (iii) The monthly rent due under the private residential tenancy is currently £340.
- (iv) The rent arrears due at 8 February 2024 were £4070 and have increased since that date.

#### 10. Documents before Tribunal

- (i) Short assured tenancy agreement.
- (ii) Rent statements.

#### Applicant's Position

11. Mr Dymock said that the rent statements before the tribunal was evidence of the rent arrears. He said that the Respondent had failed to engage in connection with addressing the rent arrears and that there was no reason why the Applicant should not be paid the sum being sought.

#### Reasons for Decision

12. The tribunal saw no reason for determination of the application to be continued to a Hearing. Arrangements for the case management discussion had been

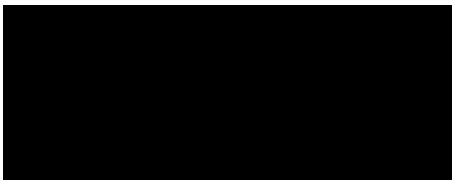
intimated to the Respondent and she had not attended and had not submitted written representations.

### Decision

13. The tribunal determined that the application be granted and that an order of payment be made in the sum of £4070

### **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.**



**Martin J. McAllister**  
**Legal Member**  
**2 October 2024**