



**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/24/2318**

**Re: Property at 3/1 / 1 Tamshill Street, Glasgow, G20 9QT (“the Property”)**

**Parties:**

**LAR Housing Trust, Buchan House, Enterprise Way, Dunfermline, KY11 8PL (“the Applicant”)**

**Ms Sophia Stewart, UNKNOWN, UNKNOWN (“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 that an order be made in the sum of Five hundred and eighty six pounds and thirty four pence (£586.34) Sterling**

**Background**

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent under Rule 70 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) in respect of unpaid rent in the sum of £586.24. In support of the application the Applicant provided the tenancy agreement between the parties, various lease extensions and excerpts from the tenancy record which included details of the rent arrears and correspondence regarding the Respondent’s tenancy.
- 2 By Notice of Acceptance of Application a Legal Member of the Tribunal with delegated powers of the Chamber President intimated that there were no grounds to reject the application. The application was therefore referred to a Case Management Discussion to take place by teleconference.

- 3 The Applicant submitted an application for service by advertisement together with a copy of a negative trace report from Sheriff Officers which was granted by the Tribunal under Rule 6A of the Rules. Notification of the application was therefore given to the Respondent by advertisement on the Tribunal website between 16 September 2024 and 21 October 2024. No written representations were received from the Respondent in advance of the Case Management Discussion.

### **The Case Management Discussion**

- 4 The Case Management Discussion took place on 21 October 2024. The Applicant was represented by Nicole Maxwell, Senior Property Manager. The Respondent was not in attendance. The Tribunal noted that she had received notification of the application under Rule 6A of the Rules and therefore determined to proceed in her absence.
- 5 The Tribunal asked Ms Maxwell to make submissions regarding the application. Ms Maxwell confirmed that the tenancy between the parties had terminated on 8 October 2022, and that as at the date of termination arrears in the sum of £586.34 were outstanding. The Applicant had made efforts to engage the Respondent regarding the rent arrears. The Respondent had initially indicated that she would enter into a payment plan but nothing was forthcoming. There had been no further contact and no proposals for repayment. The Applicant had made efforts to locate the Respondent but had been unable to do so.

### **Findings in Fact**

- 6 The Applicant and Respondent entered into a tenancy agreement dated 1 November 2016. In terms of Clause 1.9 of the said agreement the Respondent undertook to pay rent at the rate of £565 per month.
- 7 The parties signed an extension to the tenancy agreement dated 10 May 2017. The Respondent agreed to an increased rent of £570 per month.
- 8 The parties signed a further extension to the tenancy agreement dated 15 February 2018 and 6 March 2018. The Respondent agreed to an increased rent of £575 per month.
- 9 The parties signed a further extension to the tenancy agreement dated 14 March 2019 and 16 March 2019. The Respondent agreed to an increased rent of £585 per month.
- 10 The Respondent gave notice to terminate the tenancy on 3 September 2022.
- 11 The tenancy between the parties terminated on 8 October 2022.
- 12 As at the date of termination arrears in the sum of £586.34 were outstanding.

- 13 Despite repeated requests the Respondent has refused or delayed in making payment of the sum due.

### **Reasons for Decision**

- 14 The Tribunal reached its decision taking into account the application paperwork and the verbal submissions at the Case Management Discussion. The Tribunal was satisfied that it had sufficient information to reach a decision following the Case Management Discussion and that it would not be prejudicial to the parties to do so.
- 15 The Tribunal accepted, based on its findings in fact, that the Respondent was liable to pay the sum of £586.34 to the Applicant under the terms of the tenancy agreement and subsequent extensions. There was nothing before the Tribunal to contradict the facts put forward by the Applicant.
- 16 The Tribunal therefore made an order for payment in the sum of £586.34 against the Respondent in favour of the Applicant.

### **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**

**21 October 2024**

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**Legal Member/Chair**

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**Date**