



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/3320

Re: Property at 5 Sorn Street, Catrine, KA5 6LP (“the Property”)

Parties:

Sharon Lamond Properties, 0/1 301 Glasgow Harbour Terraces, Glasgow, G11 6BP (“the Applicant”)

Ms Nicola Paton, 5 Sorn Street, Catrine, KA5 6LP (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of TWO THOUSAND EIGHT HUNDRED AND FORTY-SEVEN POUNDS AND NINETY PENCE (£2847.90)

Background

1. By application dated 16 July 2024 the applicant seeks an order for payment in respect of rent arrears.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent accounts
 - Bank statements showing non-payment of rent
 - Rent increase form

Case management discussion (“cmd”) – teleconference – 12 December 2024

3. The applicant was in attendance. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received proper notice of the cmd. A certificate of service from Sheriff Officers stated that letter box service had been carried out on 31 October 2024. The Tribunal proceeded with the cmd in the respondent’s absence in terms of rule 29.
4. The applicant sought an order for payment in the sum of £2847.90. The lease which had been lodged had a commencement date of 15 December 2015 and showed that the monthly rent due was £450. Rent accounts had been lodged which showed that no rent had been paid from 15 January 2024 until the date of the application. These showed the arrears at that date to be £2847.90.
5. The applicant stated that no rent had been received since the application was submitted. She stated that she had made numerous attempts to contact the respondent to discuss a repayment arrangement however the respondent had failed to engage with her. The applicant stated that she believed the respondent may have left the property, allowing a relative to stay there for a period. She stated that as far as she was aware the respondent had removed from the property recently however she had not given formal notice or returned the keys.

Findings in fact

6. Parties entered into a tenancy agreement with a commencement date of 15 December 2015.
7. Monthly rent due in terms of the agreement was £450.
8. Arrears as at 16 July 2024 amounted to £2847.90.
9. The respondent has not made any payments towards the rent or arrears since 16 July 2024.

Reasons for the decision

10. The Tribunal had regard to the application and the documents lodged by the applicant.
11. The Tribunal took into account that the respondents had not lodged any defence to the application or disputed the sum sought in any way.
12. The Tribunal was satisfied that arrears in the amount of £2847.90 were lawfully due as at the date of the cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of £2847.90.

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.

M-C Kelly

12 December 2024

Legal Member/Chair

Date