



**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/24/1807**

**Re: Property at 64 Dumbuck Road, Dumbarton, G82 3AB (“the Property”)**

**Parties:**

**Mr Kris Brown, C/O Source Property, 65 Kilbowie Rpad, Clydebank, G81 1BL (“the Applicant”)**

**Miss Lisa Coleman, 18 Keil Crescent, Dumbarton, G82 4DX (“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 for payment be made in the sum of Five thousand four hundred and seven pounds (£5407) 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 £5407. In support of the application the Applicant provided the tenancy agreement between the parties, rent statements and copy correspondence from the Applicant’s agent to the Respondent regarding rent arrears.
- 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 (“CMD”) to take place by teleconference.

Notification of the CMD was given to parties in accordance with Rule 17(2) of the Rules. Said notification was served upon the Respondent by Sheriff Officers on 22 October 2024.

- 3 Both parties were invited to make written representations in advance of the CMD. No written representations were received.

### **The Case Management Discussion**

- 4 The CMD took place on 27 November 2024. The Applicant was present. The Respondent was not in attendance. The Tribunal noted that she had received notification of the application and the date and time of the CMD under Rule 17(2) of the Rules and therefore determined to proceed in her absence.
- 5 The Tribunal heard submissions from the Applicant. The Applicant advised that the Respondent had resided in the property since March 2009. The tenancy was originally a short assured tenancy agreement but the parties had agreed to create a private residential tenancy in 2019. The rent due under the terms of the tenancy was £600 per month. The Respondent had fallen into arrears which had increased to £5407 as at the date of termination of the tenancy. The Applicant referred to the tenancy agreement that had been produced with the application. The Applicant was not surprised by the Respondent's absence at the CMD. He confirmed that there had been a previous hearing before the Tribunal in relation to an eviction order which she had not attended. The Applicant confirmed that he sought an order for payment in the sum of £5407.

### **Findings in Fact**

- 6 The Applicant and Respondent entered into a private residential tenancy agreement which commenced on 19<sup>th</sup> April 2019. The property had previously been let to the Respondent in terms of a short assured tenancy agreement which commenced on 16<sup>th</sup> March 2009.
- 7 The rent due under Clause 8 of the tenancy agreement was £600 per calendar month.
- 8 The tenancy between the parties terminated on 12 April 2024.
- 9 As at the date of termination arrears of rent in the sum of £5407 were outstanding.
- 10 Despite repeated requests the Respondent has refused or delayed in making payment of the sum due.

## Reasons for Decision

- 11 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 contrary to the interests of the parties to do so. The Respondent had not participated in the CMD, nor had she made any written representations regarding the application.
- 12 The Tribunal accepted, based on its findings in fact, that the Respondent was liable to pay the sum of £5407 to the Applicant under the terms of the tenancy agreement. There was nothing before the Tribunal to contradict the evidence put forward by the Applicant.
- 13 The Tribunal therefore made an order for payment in the sum of £5407 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

**27 November 2024**

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**Legal Member/Chair**

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**Date**