

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Reference number: FTS/HPC/CV/24/3131

Order granted on 25 November 2024 in absence of the Respondent

Property: 15D Lefroy Street, Coatbridge, ML5 1PN

Parties:

George Wilson Property Limited, a company incorporated under the Companies Acts and having their registered office at 1 Campbell Lane, Hamilton, ML3 6DB (“the Applicant”)

Jason Todd, residing at 15D Lefroy Street, Coatbridge, ML5 1PN (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)
Ahsan Khan (Ordinary 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 should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £2,925.45. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement dated 27 February 2024; and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10am on 25 November 2024. The Applicant was represented by Ms L Barclay of Happy Lets Ltd. The Respondent was neither present nor represented. The case file reveals that the

Respondent has had adequate notice of the time, date and method of joining the hearing. No application is made for adjournment. We can justly determine this application in the respondent's absence.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy Agreement for the Property dated 27 February 2023. The tenancy agreement started on 4 March 2023.
2. The rent in terms of the Tenancy Agreement was £495 per month.
3. Between November 2023 and November 2024 the Respondent only made one full payment of rent. At the date the application was submitted there were arrears of rent totalling £2,925.45, which is more than 3 months' rent. Today there are arrears of rental totalling £4140.45.
4. On 23 May 2024 the Applicant served a notice to leave on the Respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 9 July 2024, the Applicant submitted an application to the tribunal.
5. On 28 October 2024, the applicant lodged a written application to amend the sum claimed by increasing the sum applied for from £2,925.45 to £4,140.45. That application is unopposed.
6. The sum applied for is increased to £4,140.45 to properly reflect the amount the respondent owes the applicants in arrears of rental.

Reasons for Decision

6. Rent is lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £495 per month. Since November 2023 the Respondent has only made one full payment of rent.
7. At the date the application was submitted there were arrears of rent totalling £2,925.45. Today there are arrears of rental totalling £4,140.45.
8. The respondent offers no resistance to the application for a payment order. The respondent owes the applicant £4,410.45 in unpaid rental.
9. For these reasons the Tribunal determined to make an Order for payment.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P. Doyle

Legal Member

Date: 25 November 2024