

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision 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/24/2550**

**Re: Property at Eastside, Sandilands, Lanark, ML11 9TX (“the Property”)**

**Parties:**

**Mrs Carol Tennant, Eastertown Farm, Sandilands, Lanark, ML11 9TX (“the Applicant”)**

**Miss Eleanor McTaggart, Eastside, Sandilands, Lanark, ML11 9TX (“the Respondent”)**

**Tribunal Member:**

**George Clark (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,462.45.**

**Background**

1. By application, dated 4 June 2024, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £2,305.48.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 11 August 2023 at a monthly rent of £1,100, and a Rent Statement showing arrears as at 20 May 2024 of £2,305.48. The arrears appeared to be increasing by about £100 each month.
3. On 29 October 2024, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 19 November 2024. The Respondent did not make any written representations to the Tribunal.

4. Prior to the Case Management Discussion, the Applicant provided an updated Rent Statement showing arrears of £2,462.45 at 20 November 2024. She sought to amend the application to increase the amount sought to that sum.

### **Case Management Discussion**

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 11 December 2024. Both Parties were present.
6. The Respondent accepted that the sum sought by the Applicant was due. She explained that she had suffered a number of health issues and has been unable to work. She now has a full-time carer. She has a 16-year-old son who is at college and an older son who has just started work. They both live with her. She is now receiving professional help to get her back on track and is very keen to continue to live in the Property. She apologised to the Applicant for the situation in which she had found herself. The housing element of her benefits are being paid directly to the letting agents and she is trying to make up the monthly shortfall and to reduce the arrears.
7. The Applicant told the Tribunal that, following advice given to her by her letting agents, she wished an Order for Payment.
8. The Tribunal encouraged the Parties to maintain dialogue, through the letting agents if preferred, in the hope that the Respondent's situation improved and an arrangement to pay off the arrears could be agreed, but told the Respondent that, as she was not disputing the debt, the Tribunal would be making an Order for Payment.

### **Reasons for Decision**

9. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
10. The Tribunal was satisfied that the sum sought in the application, as now amended to £2,462.45, had become lawfully due by the Respondent to 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.

George Clark

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Legal Member/Chair

11 December 2024  
Date