



**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/24/1387**

**Re: Property at 50 Melrose Road, Greenfaulds, Cumbernauld, G67 4BA (“the  
Property”)**

**Parties:**

**Mrs Diane Harding, Bracklin, Pharisee Green, Dunmow, CM61 1JN (“the  
Applicant”)**

**Mr Sheldon Taylor, 50 Melrose Road, Greenfaulds, Cumbernauld, G67 4BA  
 (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Elizabeth Williams (Ordinary 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 FIVE  
THOUSAND FOUR HUNDRED AND FIFTY POUNDS (£5450)**

**Background**

1. By application dated 25 March 2024 the applicant seeks an order for payment in respect of rent arrears. The application was conjoined with a separate application under reference FTS/HPC/EV/2754 in terms of which the applicant seeks an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
  - Copy tenancy agreement
  - Rent accounts for the duration of the tenancy

- Copy bank statements
3. A case management discussion (“cmd”) took place via teleconference on 1 October 2024.
  4. The applicant, Diane Harding appeared on her own behalf. The respondent was not present or represented.
  5. Ms Harding stated that the arrears of rent had increased to £4175 since the application had been raised. The application was adjourned to allow the applicant to amend the sum being sought under Rule 14A.
  6. On 8 January 2025 the applicant sought to amend the sum being sought to £5450 which was the amount outstanding at that date. An updated rent account was lodged with the amendment request.

#### **Case management discussion - 23 January 2025 – teleconference**

7. The applicant, Diane Harding appeared on her own behalf. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in their absence in terms of rule 29.
8. The applicant sought an order for payment in the sum of £5450. The lease which had been lodged had a commencement date of 7 January 2022 and showed that the monthly rent due was £425. Rent accounts had been lodged which showed the rent arrears as at 8 January 2025 be £5450.
9. The applicant stated that no rent had been received since February 2024 after a notice to leave had been served on the respondent.

#### **Findings in fact**

10. Parties entered into a tenancy agreement with a commencement date of 7 January 2022.
11. Monthly rent due in terms of the agreement was £424.
12. Arrears as at 8 January 2025 amounted to £5450.
13. The respondents have not made any payments towards the rent or arrears since February 2024.

#### **Reasons for the decision**

14. The Tribunal had regard to the application and the documents lodged by the applicant.
15. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
16. The Tribunal was satisfied that the request to amend the sum sued for had been made in compliance with rule 14A and allowed the requested amendment. The Tribunal was satisfied that arrears in the amount of £5450 were lawfully due as at the date of the cmd.

### **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.**

**Mary-Claire Kelly**

**23 January 2025**

---

**Legal Member/Chair**

---

**Date**