



**Decision with Statement of Reasons 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/19/0494

Re: Property at 41 The Paddock, Hamilton, ML3 0RF (“the Property”)

Parties:

**Ms Yvonne Lam, Ms Kwok Ling Li, c/o Leonards Solicitors, 133 Cadzow Street,
Hamilton, ML3 6JG (“the Applicants”)**

Mr Derek Johnstone, 41 The Paddock, Hamilton, ML3 0RF (“the Respondent”)

Tribunal Members:

Lesley Dowdalls (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application be granted and ordered that
payment be made by the Respondent to the Applicant in the sum of £3,800.**

**The Applicant, Ms Lam was in attendance today and was represented by Ms
Turner, Solicitor.**

**The Respondent did not attend and had made no written representations, or
requested a Time to Pay Order.**

**The Applicants, by letter dated 2nd May 2019 to the Tribunal, sought to increase
the sum claimed by way of amendment to £6,650. However, the amendment
had not been intimated to the Respondent. In the circumstances, Ms Turner
did not move to amend the sum claimed today and did not seek to adjourn.
She restricted the claim to the sum originally sought.**

No claim was made in respect of interest on the sum due.

Findings in Fact

1. The parties entered into a Short Assured Tenancy agreement dated 23rd June 2017.
2. The monthly rent payable in terms of said tenancy agreement was £950.00.
3. The Respondent last made payment of rent on 4th September 2018, all as stated in rent statement produced in the case papers.
4. The Respondent paid an initial deposit to the Letting agency instructed by the Applicants in the sum of £950. Said sum was deducted from the arrears outstanding at the date of the application, and taken into account in seeking the sum claimed.
5. At the date of the application, the sum due by the Respondent to the Applicants amounted to £3,800.

Findings in Law

1. The sum claimed is lawfully due

Decision

The Tribunal grants the application for payment of the sum of £3,800.

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.

Lesley Dowdalls

Legal Member/Chair

2015/19

Date