



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

**Chamber Ref: FTS/HPC/CV/19/1103**

**Property: 209 Low Waters Road, Hamilton ML3 7QN**

**Parties:**

**Lizanne Macartain, 15 Willow Court, Cross Douglas Road, Cork City, Ireland  
("Applicant")**

**Charles Stewart, c/o the Libertine, 3-5 Castle Street, Hamilton ML3 6BU  
("Respondent")**

**Happy Lets Limited, 56 Cadzow Street, Hamilton ML3 6DS ("Applicant's  
Representative")**

**Tribunal Members:**

**Joan Devine (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 should be made.**

**Background**

The Applicant sought an order for payment of £1,899.51 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 4 March 2014 and a statement of outstanding rent.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 11.30 am on 10 June 2019 at the Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. The Applicant was represented by Lesley Barclay of Happy Lets Limited who provided to the Tribunal a copy of an email from the Applicant confirming authority to act. There was no appearance on behalf of the Respondent.

## Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property dated 4 March 2014.
2. The period of the Lease was from 10 March 2014 to 11 September 2014 and month to month thereafter.
3. The rent in terms of the Tenancy Agreement was £299 per month.
4. Happy Lets Limited is authorised to act on behalf of the Applicant in respect of all matters relating to the letting of the Property.
5. The Respondent had failed to make payment of rent due during the period September 2017 to 2 February 2019 as detailed on the statement lodged with the Application. The total outstanding was ££1,899.51.
6. Notice of the date of the hearing had been given to the Respondent by Sheriff Officer on 9 May 2019.

## Reasons for the Decision

The Tribunal determined to make an Order for payment of £1,899.51. Rent was lawfully due in terms of clause 1.9 of the Tenancy Agreement at the rate of £299 per month. The rent had not been paid although due during the period September 2017 to 2 February 2019 as detailed on the statement lodged with the Application.

## 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.**

**Ms Joan Devine**

\_\_\_\_\_  
Joan Devine  
Legal Member

Date

\_\_\_\_\_  
10 June 2019