



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of the Private Housing
Tenancies (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/19/1119

**Re: Property at 12B Manse Grove, Stoneyburn, Bathgate, EH47 8EW (“the
Property”)**

Parties:

**J & B Holdings, 36a Main Street, Stoneyburn, Bathgate, West Lothian, EH47
8AU (“the Applicant”)**

**Ms Claire Bearman, 12B Manse Grove, Stoneyburn, Bathgate, EH47 8EW (“the
Respondent”)**

Tribunal Members:

John McHugh (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 by the Respondent to the
Applicant of the sum of £5404.80 should be made.**

Background

The Applicant is the Landlord and the Respondent the Tenant in terms of a short
assured tenancy of the Property.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place on 11 June 2019 at George
House, Edinburgh. The Applicant was represented by Kirsty Morrison of TC Young
Solicitors. The Respondent was neither present nor represented.

Miss Morrison advised that further rent arrears had accrued since the making of the
Application. The further arrears were the two months’ rent due on 1 May and 1 June

2019. The Applicant sought to amend the sum claimed to include those. The Applicant had written to the Respondent on 21 May 2019 to advise of its intention to increase the sum claimed. It had received no response. Some modest payments have been received from the Respondent to account of rent. Miss Morrison advises that allowing for these produces a current outstanding figure of £5404.80. The Tribunal is prepared to make an order for payment in the higher amount in terms of Rule 14A of the First Tier Tribunal for Scotland Housing and Property Chamber Procedure Rules.

Findings in Fact

The Applicant is the Landlord and the Respondent the Tenant in terms of a short assured tenancy of the Property.

The tenancy agreement was dated 27 June 2008.

The Respondent has been in occupation since 4 July 2008 and remains in occupation of the Property.

Rent is currently payable under the tenancy agreement at the rate of £520 per month.

At the time of bringing the Application rent was outstanding in the sum of £4614.80.

Since the bringing of the application, two further months' rent have become due and are unpaid.

The Respondent has made modest payments to account in the same period.

At the date of the CMD, the sum of £5404.80 is outstanding.

Reasons for Decision

The Tribunal is satisfied that the amount of £5404.80 is due by the Respondent to the Applicant.

Decision

An order for payment by the Respondent to the Applicant of the sum of £5404.80 will be made.

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.

Mr John McHugh

John McHugh, Legal Member/Chair

11 June 2019

Date