



**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/19/1221

**Re: Property at Flat 1/2, 38 James Street, Helensburgh, G84 8UH (“the
Property”)**

Parties:

**Poseidon Holdings Ltd, G 3-3, Trident house, 175 Renfrew Road, Paisley, PA3
4EF (“the Applicant”)**

Ms Jo Lafferty, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (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 in the sum of THREE
THOUSAND, NINE HUNDRED AND SIXTY POUNDS (£3960) should be granted.**

Background/Discussion

1. By application received on 23rd April 2019 the applicant sought an order for payment in the sum of £3960 in respect of unpaid rent. The applicant lodged with the application a copy lease agreement and statement of outstanding rent as at 1st April 2019.
2. A case management discussion (“CMD”) took place on 2nd September 2019 at Glasgow Tribunals Centre. The applicant was represented by Mr Ritchie from Hardy Macphail solicitors. The respondent was not present or represented. The Tribunal noted that Sheriff Officers had attempted to serve the relevant paperwork at the property address on 19th June 2019. They had found the property to be empty and unoccupied. Thereafter the Tribunal had continued by means of service by advertisement on the Tribunal’s website as per Rule 6A.

3. The Tribunal was satisfied that the terms of rule 24.1 had been complied with and proceeded with the CMD in the absence of the respondent in terms of rule 29.
4. The applicant's representative asked the Tribunal to grant an order for £3960 which represented the amount of rent unpaid. The schedule of rent showed the accrual of rent arrears over a number of months.

Findings in Fact

5. The parties entered into a lease agreement in respect of the property.
6. The lease purports to be a short assured tenancy. The duration of the lease was from 16th December 2016 to 16th June 2017 and thereafter on a monthly basis. The monthly rent due was £330.
7. As at 1st April 2019 the respondent had rent arrears amounting to £3960.

Reasons for Decision

8. The Tribunal was satisfied on the basis of the lease and schedule of arrears and the representations of Mr Ritchie that the arrears of rent were lawfully due.

Decision.

9. The Tribunal grants an order for payment in the sum of £3960.

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.


Legal Member/Chair

2nd September 2019
Date

*Insert or Delete as required