

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

---



**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/19/1474**

**Re: Property at 6/4 Redwood Lane, Hamilton, ML3 8SS (“the Property”)**

**Parties:**

**Dr Caroline Stretton, 20 Mote Hill, Hamilton, ML3 6EF (“the Applicant”)**

**Mr Darren Lindsay, 67 Park Road, Hamilton, ML3 6PD (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £2080.00.**

**Background**

1. By application received on 14 May 2019 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondent's tenancy of the property. The Applicant provided the Tribunal with a copy of the tenancy agreement, rent ledger, bank statements and text messages between the Respondent and the Applicant's representatives, Premier Property Letting and Management Limited.
2. By Notice of Acceptance dated 10 June 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.
3. Intimation of the Case Management Discussion was sent to the Applicant by post on 17 June 2019 and was served on the Respondent by Sheriff Officers on 19 June 2019.

12. The Tribunal was satisfied from the evidence of the Applicant's representative, Mr Pittams and from the documentary evidence provided that the Respondent had failed to make any payment of rent for the property throughout the period from 1 January 2019 until 21 May 2019 despite there being a Private Residential Tenancy Agreement in place.

13. The Tribunal was satisfied that in terms of the tenancy agreement the rent was £520.00 per month and that at the date of termination of the tenancy the Respondent had accrued rent arrears of £2993.00. After deduction of the £500.00 deposit returned to the Applicant there was a balance due by the Respondent of £2493.00 however as the Applicant had not sought to amend the sum claimed in terms of Rule 14A of the 2017 Regulations the maximum the Tribunal could award was the sum claimed in the application namely £2018.00 and this was acknowledged by Mr Pittams. The Tribunal therefore made an award of that amount.

#### Decision

14. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £2080.00.

#### 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 Graham Harding**

Legal Member/Chair

Date

22 July 2019