

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)**

Chamber Ref: FTS/HPC/CV/19/0780

**Re: Property at 57 Overton Crescent, East Calder, West Lothian, EH53 0RJ
("the Property")**

Parties:

Mrs Catherine Burton, 1 Karries Court, Denny, Stirlingshire, FK6 5JB ("the Applicant")

Ms Jacqueline Campbell, UNKNOWN, UNKNOWN ("the Respondent")

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that

BACKGROUND

1. By lease dated 21 January 2014 the Applicant let the Property to the Respondent;
2. Rent was payable at the rate of £650 per calendar month;
3. By September 2015 the Respondent had fallen in to arrears of rent, the arrears amounting to £1,854.00;
4. On 9 October 2015 the Respondent signed a letter, addressed to the Applicant, confirming that she was in arrears in the amount of £1,854.00 and advising she would repay this as soon as possible;
5. The Respondent subsequently vacated the Property;

THE CASE MANAGEMENT DISCUSSION

6. The Applicant was present at the Case Management Discussion;
7. The Respondent was not present at the Case Management Discussion nor was she represented. Her present whereabouts are unknown;

8. In accordance with Rule 6A of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Rules"), the proceedings, including details of the Parties, the Property and the place, date and time of the Case Management Discussion, were advertised on the website of the First Tier Tribunal for a period of more than 14 days prior to the Case Management Discussion. That being so, the Tribunal proceeded in the absence of the Respondent;
9. The Applicant moved the Tribunal to grant an order for payment in the sum of £1,854.00;
10. There was no information before the Tribunal to enable it to conclude, or even consider, that any arrears were as a result of the delay or failure in the payment of any relevant benefit;
11. In the absence of the Respondent there was no request for a time to pay direction;

FINDINGS IN FACT

12. The Tribunal found the following facts to be admitted or proved:-
 - i. By lease dated 21 January 2014 the Applicant let the Property to the Respondent;
 - ii. Rent was payable at the rate of £650 per calendar month;
 - iii. By September 2015 the Respondent had fallen in to arrears of rent, the arrears amounting to £1,854.00;
 - iv. On 9 October 2015 the Respondent signed a letter, addressed to the Applicant, confirming that she was in arrears in the amount of £1,854.00 and advising she would repay this as soon as possible;
 - v. The sum of £1,854.00 is due by the Respondent to the Applicant;

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND EIGHT HUNDRED AND FIFTY FOUR POUNDS (£1,854.00) STERLING to the Applicant

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.

V Crawford

5 July 2019

Legal Member/Chair

Date