



**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/18/1999**

**Re: Property at 24 Norwood Avenue, Whitburn, West Lothian, EH47 8HF (“the  
Property”)**

**Parties:**

**Mr Robert Gillies, 7/42 Murieston Road, Edinburgh, EH11 2JJ (“the Applicant”)**

**Ms Lindsay Greer, 43 Gateside Road, Whitburn, EH47 0NQ (“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 £681.06.**

**Background**

1. By application dated 5 July 2018 the Applicant applied to the Tribunal for an order for payment on the ground that the Respondent owed rent of £681.06. The Applicant provided the Tribunal with a copy of the Tenancy Agreement, a rent account, copy bank statements and a copy of payment schedules from the local authority showing Housing Allowance paid direct to the Applicant.
2. By Notice of Acceptance dated 21 August 2018 a legal member of the Tribunal with delegated powers accepted the application and a Case Management discussion was assigned.
3. A case Management Discussion was held at George House Edinburgh on 11 October 2018 and was attended by both parties. Following discussion and consideration of the documentation provided by the Applicant the Respondent accepted that she owed the sum of £681.06 to the Applicant and offered to

make payment at the rate of £40.00 per month. The Tribunal adjourned the Case Management Discussion to a further Case Management Discussion to take place on 11 February 2019 to monitor payments.

4. A further Case Management Discussion was held at George House Edinburgh on 11 February 2019. It was attended by the Applicant. There was no appearance by the Respondent. The legal member of the Tribunal was not satisfied that the Respondent had been properly served with papers intimating the Case Management Discussion and although the Applicant asked the Tribunal to grant the order sought as no payments to account had been made by the Respondent the Tribunal adjourned the case to a further Case Management Discussion in order that Sheriff Officers could serve papers on the Respondent at the address she had provided to the Tribunal at the Case Management Discussion on 11 October 2018.

#### The Case Management Discussion

5. A further Case Management Discussion was held at George House Edinburgh on 18 March 2019. It was attended by the Applicant. There was no appearance by the Respondent. Sheriff Officers had confirmed to the Tribunal that service of the Hearing Notification Letter assigning the Case Management Discussion had been made to the Respondent on 18 February 2019.
6. The Applicant advised the Tribunal that he had received no communication from the Respondent nor had she made any payments to account and had brought bank statements to confirm his position. As no payments had been made by the Respondent and the debt had been accepted by her as being due the Applicant asked the Tribunal to grant the order sought in the sum of £681.06.

#### Findings in Fact

7. The parties entered into a Short Assured Tenancy Agreement that commenced on 3 August 2015 and ended on 3 February 2017.
8. At the end of the tenancy the Respondent had accrued arrears of rent amounting to £681.06.
9. The Respondent accepted that she owed the Applicant £681.06 and offered to make payment in October 2018 at the rate of £40.00 per month.
10. The Respondent failed to make any payments to account of the debt.
11. The amount outstanding and due to the Applicant remains at £681.06.

#### Reasons for Decision

12. Following on from the Case Management Discussion of 11 October 2018 there was no dispute between the parties that the Respondent was owe the Applicant £681.06 in respect of rent arrears accrued during her tenancy of the property. The Respondent had offered to repay the debt at the rate of £40.00 per month and had been given an opportunity to show that she could maintain such payments.

13. The Respondent failed to make any monthly payments to the Applicant and the whole amount due remained outstanding. The Applicant was therefore entitled to an order for payment in the sum of £681.06.

Decision

14. The Tribunal finds that the Applicant is entitled to an order for payment by the Respondent to the Applicant in the sum of £681.06

### 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.

# G Harding

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Legal Member/Chair

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Date

18 March 2019