



**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/19/3053

**Re: Property at 6 Union Street, Rosehearty, Fraserburgh, Aberdeen, AB43 7JQ
("the Property")**

Parties:

**Talon Alba Ltd, 4 Burns Crescent, Fraserburgh, Aberdeen, AB43 7AG ("the
Applicant")**

**Miss Mirelle Lane, 6 Union Street, Rosehearty, Fraserburgh, Aberdeen, AB43
7JQ ("the Respondent")**

Tribunal Members:

Valerie Bremner (Legal Member)

Decision (in absence of the Respondent)

Background

This is an application for civil proceedings in respect of Rule 111 of the Tribunal Rules which was lodged with the Tribunal on 26 September 2019. The Application was accepted by the Tribunal on 15 October 2019 and the Case Management Discussion was set down for 19 December 2019.

Discussion

Mr Doran solicitor of Raeburn Christie Clark and Wallace Solicitors appeared as local agent for the Applicant's representative TC Young Solicitors Glasgow. The Applicant and Respondent were not present.

The Tribunal had sight of executions of service of the papers for this case on the Respondent by Sheriff Officer. Mr Doran moved that the Tribunal proceed in absence of the Respondent given that the papers had clearly been served on her. This motion was granted in terms of Rule 29 of the Tribunal rules of procedure.

The sum initially applied for was £ 7453.12 but in terms of Rule 14 A of the Tribunal rules of Procedure the Applicants sought to amend this to £9703.12 and this was permitted by the Tribunal as the amendment had been intimated to the Respondent more than 14 days before the Case Management Discussion.

The Tribunal had sight of the application , the tenancy agreement and two rent statements.

Mr Doran advised that the parties entered into a tenancy agreement at the property with effect from 10 August 2018. The rent was £750 per calendar month and the tenancy continues.

Within the first month of the tenancy arrears of rent started to accrue. The arrears have continued to accrue with no payments being made at all since March of 2019. Whilst the rent had been noted as being paid by benefit initially the Applicants had no information to suggest that the rent was not being paid due to delay or failure in the payment of a relevant benefit.

Mr Doran sought a payment order in the sum of £9703.12

Findings In Fact

1. The Parties entered into a tenancy at the property with effect from 10 August 2018.
2. The rent for the property was £ 750 per month and the tenancy continues.
- 3 Rent arrears started to accrue almost immediately and the sum now outstanding is £ 9703.12.
4. Nothing in the information before the Tribunal suggested that the arrears were due in any way to a delay or failure in the payment of a relevant benefit to or on behalf of the Respondent.

Reasons for Decision

The Tribunal was satisfied that unpaid rent in the sum of £9703.12 is lawfully due by the Respondent to the Applicant in respect of the tenancy at the property.

Decision

The Tribunal makes a Payment Order in the sum of £9703.12 in favour of the Applicant to be paid by the Respondent.

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 Bremner

Legal Member/Chair

19 December 2019

Date

*Insert or Delete as required