



**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 (“the Act”)**

**Chamber Ref: FTS/HPC/CV/18/0215**

**Re: Property at 56 McPherson Crescent, Airdrie, ML6 8XL (“the Property”)**

**Parties:**

**Ms Mary Marilyn Vallely, 29 McLachlan Gardens, East Lothian, EH32 9FQ (“the Applicant”)**

**Mr Jamie Patterson, 56 McPherson Crescent, Airdrie, ML6 8XL (“the Respondent”)**

**Tribunal Members:**

**Steven Quither (Legal Member) and Gordon Laurie (Ordinary Member)**

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

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

**BACKGROUND**

1. This is an application for civil proceedings under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the “Regulations”) seeking an order for payment of rent arrears arising out of an Assured Tenancy between the Parties in respect of the Property. It was heard in conjunction with an associated case for repossession, (Chamber Ref. FTS/HPC/EV/18/0212) from which further information was also available to the Tribunal.
2. The tenancy in question was an Assured Tenancy of the Property between Mary Marilyn Vallely as Agent for the owner and the Respondent and commenced on 30 May 2017 for a 6 month period to 30 November 2017 and then continuing on a monthly basis till brought to an end by either party upon giving 2 months notice. The rent was agreed at £295 per calendar month, payable on the 1<sup>st</sup> of each month, as from 1 June 2017, in terms of which the

first payment was made on 30 May, with subsequent payments on each of 1 July, August and September, which was the last payment made.

3. The Application was made on 25 January 2018 and comprised:--
  - (a) Tenancy Agreement and
  - (b) Rent Statement.

As indicated, further information and documentation was also available to the Tribunal from the associated case.

4. Notice of the Application and Hearing on 2 May 2018 was given to the Respondent by Sheriff Officer on 9 April 2018, per Certificate of intimation provided to the Hearing.

### **THE HEARING**

5. Said Hearing duly took place on 2 May. Only the Applicant was represented. Her agent confirmed she was unaware of any representations having been made to the Applicant in respect of the Application. Similarly, no such representations appeared to have been lodged with the Tribunal, as the Respondent was entitled and invited to do in the Notice of the Hearing served on him, referred to in the preceding paragraph.
6. The Applicant's Agent confirmed she was seeking an order for payment of rent arrears in the sum of £2360, on the basis that by the date of the Hearing some 8 months of arrears was outstanding. The Tribunal consented to the sum claimed being amended to this amount, in terms of Rule 13, from that shown on the Rent Statement.

### **FINDINGS IN FACT**

7. The parties entered into a Tenancy Agreement as above stated and, as at the date of the Hearing, the Respondent was in 8 months arrears of rent, in the total amount of £2360.

### **REASONS FOR DECISION**

8. In terms of s16 of the Housing Act 2014, the Tribunal has jurisdiction in relation to claims by a landlord arising out of unpaid rent.
9. Having regard to the documentation and information lodged in support of the Application and further provided at the Hearing the Tribunal considered all relative requirements as to notice, intimation etc. had been complied with.
10. In these circumstances also and on the basis of 8 months rent being due as at the date of the Hearing, the Tribunal was satisfied the sum sought was due to the Applicant and that the appropriate order for payment could be made.

## **DECISION**

11. To grant the order for payment of rent arrears in the sum of £2360.

### **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.**

**SR QUITHER**  
**Legal Member/Chair**

**Date 2 MAY 2018**

**G LAURIE**  
**Ordinary Member**

**Date 2 MAY 2018**