



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/0601

Re: Property at 6 Barrhill Avenue, Newton Stewart, DG8 6LD (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Ms Louise Smith, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a payment order in the sum of Six thousand five hundred and eighty five pounds (£6585) with interest at the rate of 9% per annum from the date of this decision until payment

Background

- 1 By application to the Tribunal the Applicant sought a payment order against the Respondent in respect of outstanding rent arrears. In support of the application the Applicants provided the following documentation:-
 - (i) Copy Short Assured Tenancy Agreement;
 - (ii) Form AT6;
 - (iii) Notice to the local authority under section 11 of the Homelessness (Scotland) Act 2003;
 - (iv) Rent Account; and
 - (v) Copy letters to the Respondent dated 12 October 2022 and 20 October 2022.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject

the application. A Case Management Discussion was assigned for the 25 August 2023. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by advertisement on the Tribunal's website on the basis that her whereabouts are unknown.

- 3 By email dated 18 August 2023 the Applicant confirmed that the tenancy had terminated as of 27th April 2023 and provided an updated rent statement showing arrears of £7563.21 as at that date. The Applicant confirmed however that they were not seeking to amend the application to reflect the increased amount.

Case Management Discussion

- 4 The Case Management Discussion took place by teleconference on 25th August 2023. The Applicant was represented by Mr John Adam of the Applicant's legal team. The Respondent was not in attendance. The Tribunal noted that service had been effected upon her by advertisement on the Tribunal website and therefore determined to proceed in her absence.
- 5 Mr Adam confirmed that the Applicant sought an order for payment in the sum sought together with interest at the rate of 9% per annum. He confirmed that this reflected the terms of the tenancy agreement. He explained that this was now a former tenancy with the Respondent having vacated in April 2023. The amount due as at the date of termination was greater than that sought in the application however the Applicant was not seeking to increase the sum craved. Mr Adam confirmed that the Applicant had tried without success to locate the Respondent and had used existing contact details to reach out to her but there had been no response.

Findings in Fact

- 6 The Applicant and the Respondent entered into a tenancy agreement which commenced on 12th August 2015.
- 7 In terms of the said tenancy agreement between the parties the Respondent undertook to make payment of rent at the rate of £454.16 per month.
- 8 The rent was subsequently increased to £460 per month.
- 9 The tenancy terminated on 27th April 2023.
- 10 As at the date of termination the arrears stood at £7563.21.
- 11 As at the date of lodging of this application the arrears stood at £6585.
- 12 The Respondent is liable to pay the sum of £6585 to the Applicant in terms of the tenancy agreement between the parties.

Reasons for Decision

- 13 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. The Respondent had been served with the application paperwork and had been given the opportunity to submit representations and attend the Case Management Discussion. She had failed to do either.
- 14 The Tribunal was satisfied based on its findings in fact that the Respondent was liable to pay arrears in the sum of £6585. The Tribunal accepted the situation outlined by the Applicant, on the basis that they were wholly credible in their submissions and there was nothing before the Tribunal to contradict their evidence.
- 15 The Tribunal therefore made a payment order in the sum of £6585.
- 16 The decision of the Tribunal was unanimous.

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.

R. O'Hare

25 August 2023

Legal Member/Chair

Date