



**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/20/1337**

**Re: Property at 100 Oswald Road, Ayr, KA8 8NX (“the Property”)**

**Parties:**

**CDP Property Limited, 29 Bellevue Road, Prestwick, KA9 1NJ (“the Applicant”)**

**Miss Lynsey Harvie, 100 Oswald Road, Ayr, KA8 8NX (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):**

**Sum of SEVEN THOUSAND THREE HUNDRED AND FIFTY-ONE POUNDS AND FIVE PENCE (£7351.05) STERLING**

- Background
  1. An application dated 15 June 2020 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.
- The Case Management Discussion
  2. A Case Management Discussion (“CMD”) took place on 21 August 2020 by tele-conference. The Applicant was represented by Christine Daly. There was

no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 3 August 2020. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.

3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 65 of the Rules and under case reference FTS/HPC/EV/20/1331 was heard at the same time.

4. The Applicant moved for the order for payment to be granted as sought. The parties had entered into a Short Assured Tenancy Agreement in January 2016. The Respondent had fallen into arrears in August 2016 and there had been a continuous arrear to date. At the date of the application being lodged, the arrears were £7351.05. At the date of the CMD, the arrears had increased to £7939.61.

- Findings in Fact

5. The Tribunal made the following findings in fact:

(a) The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 1 Jan 2016;

(b) In terms of Clause 2 of the Agreement, the Respondent was obliged to pay a monthly rent of £500 to the Applicant;

(c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £7939.61.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought in the application, being £7351.05. The Respondent was obliged to make payment of rent in the sum of £500 per month under Clause 2 of the Agreement and had failed to do so. She had accrued arrears amounting to £7351.05 at the date the application was lodged and which fell lawfully due to be repaid to the Applicant. The Tribunal was not satisfied that an Order could be granted for the increased sum due at the date of the CMD, as no formal amendment application to increase the sum sought had been lodged by the Applicant nor intimated on the Respondent prior to the CMD to seek an award of that increase sum.

7. Accordingly, the Applicant was entitled to the Order for Payment in the sum sought in the Application.

- Decision

8. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of SEVEN THOUSAND THREE HUNDRED AND FIFTY-ONE POUNDS  
AND FIVE PENCE (£7351.05) STERLING

### **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.**

Fiona Watson

---

Legal Member/Chair

21 August 2020  
Date