

**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/20/1446

Re: Property at Flat 1/L, 48 John Street, Helensburgh, G84 8BA (“the Property”)

Parties:

Ms Nazia Arshad, 47 Redgauntlet Road, Helensburgh, G84 7TR (“the Applicant”)

**Miss Claire Mundie, Flat 1/L, 48 John Street, Helensburgh, G84 8BA (“the
Respondent”)**

Tribunal Members:

Helen Forbes (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be granted in favour of
the Applicant in the sum of £9,360.**

Background

1. This is an application dated 29th June 2020, made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £9,360 in respect of rent arrears. The Applicant included with the application a copy of a tenancy agreement between Raymond Moore and the Respondent which commenced on 29th August 2017, copy bank statements and a rent statement.
2. A direction was issued by a Tribunal member on 16th July 2020, requiring the Applicant to submit written evidence that she, as owner of the Property, provided authority to Raymond Moore to enter into a lease with the Respondent.

3. By email of 22nd July 2020, the Applicant provided written evidence that Raymond Moore had authority from the Applicant to find a tenant for the Property and to deal with tenancy concerns.
4. Intimation of the action and notification of a Case Management Discussion upon the Respondent was made by Sheriff Officers on 7th August 2020.

Case Management Discussion

5. A Case Management Discussion ("CMD") took place by telephone conference on 31st August 2020. Neither party was in attendance. The Applicant was represented by Ms Julie Ross, Lettings Manager, BTO Raeburn Hope.
6. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 24(1) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant's representative and the material before the Tribunal.
7. Ms Ross moved for an order for payment in the sum of £9,360, which was outstanding in rent arrears.

Findings in Fact

8.
 - (i) The Applicant is the heritable proprietor of the Property registered in the Land Register for Scotland under Title Number DMB2303.
 - (ii) The Applicant gave authority to Raymond Moore to enter into a tenancy agreement with the Respondent which commenced on 29th August 2017.
 - (iii) The rent for the Property was £550 per month.
 - (iv) The Respondent failed to make payment of rent lawfully due in the sum of £9,360.
 - (v) The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement.

Reasons for Decision

9. The Respondent has failed to make payment of rent lawfully due in terms of the tenancy agreement. The Applicant is entitled to recover the rent lawfully due.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £9,360.

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.

 H Forbes

Legal Member/Chair

31st August 2020
Date