



**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/21/0719**

**Re: Property at 16 Whittagreen Court, Newarthill, Motherwell, North Lanarkshire,  
ML1 5SN (“the Property”)**

**Parties:**

**Miss Hazel Laughlan, 1 Lady Helen Cottages, Cardenden, Fife, KY5 0AL (“the  
Applicant”)**

**Ms Lauren McKinney, formerly of 16 Whittagreen Court, Newarthill, Motherwell,  
North Lanarkshire, ML1 5SN and whose present whereabouts are unknown  
 (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is in breach of the tenancy agreement with the Applicant and has failed to pay rent. The Tribunal accordingly has decided to make an order for payment in the sum of NINE THOUSAND AND FIFTY FOUR POUNDS (£9054) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

**Background**

1. By application dated 23 March 2021, the Applicant’s solicitor applied to the First- tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears of £9054 under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).

2. The application was accompanied by a copy of a Private Residential Tenancy, a rent statement, copy confirmation in favour of the Applicant, copy letter from Morrison and Smith, solicitors, to the Respondent dated 29 April 2019 and to whom it may concern dated 4 March 2021.
3. On 31 March 2021, the Tribunal accepted the application under Rule 9 of the Regulations.
4. The Tribunal originally assigned a Case Management Discussion (“CMD”) under Rule 17 of the Regulations to proceed on 13 May 2021. Sheriff Officers were unable to serve the application on the Respondent as she was no longer present at the Property. The CMD was accordingly discharged. The Application was accordingly served by way of advertisement in terms of Rule 6A of the Regulations and a new CMD assigned for 28 June 2021. An Execution of Service dated 28 June 2012 was received by the Tribunal.

### **Case Management Discussion**

5. The Tribunal proceeded with the Case Management Discussion on 28 June 2021 by way of teleconference. The Applicant was represented by Mr Robertson from Morgans, Solicitors. There was no appearance by or on behalf of the Respondent despite the teleconference starting 10 minutes late to allow the Respondent plenty of time to join. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence.
6. The Tribunal had before it the Private Rented Tenancy Agreement between Stewart Laughlan dated 24 and 28 August 2018, a rent statement, copy letter from Morrison and Smith to the Respondent dated 29 April 2019 advising of the arrears and that Stewart Laughlan passed away on 19 March 2019, a letter dated 4 March 2021 with regard to last payment to account of £396 on 25 June 2019 and copy confirmation dated 8 October 2019 in favour of the Applicant.
7. Mr Robertson moved the Tribunal to grant an Order for payment for £9054 and confirmed that the last payment to account was for £396 made on 29 June 2019. The Tribunal noted in terms of Clause 8 of the Private Residential Tenancy Agreement the Respondent had agreed to pay monthly rent of £450 and the terms of the rent statement showing arrears of £9054. It also noted the terms of the confirmation in favour of the Applicant dated 8 October 2019, after the death of Stewart Laughland who was the Applicant’s brother.

### **Findings in Fact**

8. The Respondent agreed by way of Clause 8 of a Private Residential Tenancy Agreement dated 24 and 28 August 2018 with Stewart Laughlan in relation to the Property that the Respondent would pay a monthly rent of £440.

9. Stewart Laughlan passed away on 19 March 2019. Confirmation in favour of the Applicant was issued by Hamilton Sheriff Court on 8 October 2019. The Applicant has title and interest in this matter.
10. The Respondent has fallen into arrears of rent and is accordingly in breach of Clause 8 of the tenancy agreement. She last paid rent on 29 June 2019 when she made a payment of £396. She has made no further payments to rent for the Property since then.
11. The arrears have increased to £9054.

### **Reasons for Decision**

12. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Mr Robertson. The Tribunal noted the content of the rent statement lodged. The Applicant's solicitor produced evidence of non-payment of rent with reference to the tenancy agreement and the rent statement lodged. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of these documents, together with the Applicant's solicitor's submissions that the order for payment in favour of the Applicant be granted.

### **Decision**

13. The Tribunal granted an order for payment of £9054.

### **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.**

**S.E.**

**28 June 2021**

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**Legal Member**

**Date**

