



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/21/0891

Re: Property at 55G Chapel Street, Motherwell, ML6 6LE (“the Property”)

Parties:

Ngin & Sons Ltd, Millton House, 33a Milton Road, Hampton, Middlesex, TW12 2LL (“the Applicant”)

Miss Lisa Muirhead, 55G Chapel Street, Motherwell, ML6 6LE (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Melanie Booth (Ordinary 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 for payment of the undernoted sum to the Applicant(s):

Sum of SIX THOUSAND FIVE HUNDRED AND TWENTY-FIVE POUNDS (£6,525) STERLING

- Background
- 1. An application dated 24 March 2021 was submitted to the Tribunal under Rule 111 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 private residential tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 9 July 2021. The Applicant was represented by Mrs Saddiq of TCH Law. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 7 June 2021. 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 109 of the Rules and under case reference FTS/HPC/EV/21/0888 was heard at the same time.
 4. The Applicant’s representative moved for the order for payment to be granted in the sum of £6,525. The parties had entered into a Private Residential Tenancy Agreement which commenced 14 September 2018. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £4,625. Since submitting the application, no payments had been received and the arrears had risen to £6,525. On 23 June 2021 an application under Rule 14A of the Rules to amend the application to seek the increased sum was made by the Applicant. This was intimated on the Respondent with the correct period of notice, and was accordingly granted. The arrears had commenced in January 2020 and there had been a continuous arrear to date.
- Findings in Fact
5. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 14 September 2018;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £475 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £6,525.
- Reasons for Decision
6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £475 per month under Clause 8 of the Agreement and had failed to do so. She had accrued arrears amounting to £6,525 and which fell lawfully due to be repaid to the Applicant.

- Decision

7. 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 SIX THOUSAND FIVE HUNDRED AND TWENTY-FIVE POUNDS
(£6,525) 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

Date: 9 July 2021