



**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/21/1723**

**Re: Property at 74 Park Crescent, Bonnyrigg, EH19 2AR (“the Property”)**

**Parties:**

**Mrs Gill Gold, Birchbrae, Macbiehill Farm, West Linton, EH46 7AZ (“the Applicant”)**

**Miss Sarahjane McLaren, formerly residing at 74 Park Crescent, Bonnyrigg, EH19 2AR and whose current whereabouts are unknown (“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 FIVE HUNDRED AND FIFTY POUNDS (£7,550)  
STERLING**

- Background
- 1. An application dated 19 July 2021 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 took place on 14 January 2022 by tele-conference. The Applicant was represented by Ms Gray of Professional Property Letting. There was no appearance by or on behalf of the Respondent. A trace had been carried out to determine the Respondent's current place of residence but following attendance by Sheriff Officers at the suggested traced address, it was determined that the Respondent did not reside there. Accordingly, as the Respondent's whereabouts were unknown, the application was served on the Respondent by way of website advertisement between 1 December 2021 and 14 January 2022, under Rule 6A of the Rules. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondent's absence.

3. The Applicant moved for the order for payment to be granted. The parties had entered into a Short Assured Tenancy Agreement. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £8,350. The Respondent had vacated the property and a deposit taken at commencement of the tenancy in the sum of £800 had been repaid to the Applicant. The outstanding balance sought was £7,550. The arrears had commenced in May 2020 and there had been a continuous arrear to date.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 1 September 2017;
- (b) In terms of Clause 4 of the Agreement, the Respondent was obliged to pay a monthly rent of £800 to the Applicant;
- (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £7,550.

- Reasons for Decision

5. 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 £800 per month under Clause 4 of the Agreement and had failed to do so. She had accrued arrears amounting to £7,550 and which fell lawfully due to be repaid to the Applicant.

6. Accordingly, the Applicant was entitled to the Order for Payment as sought.

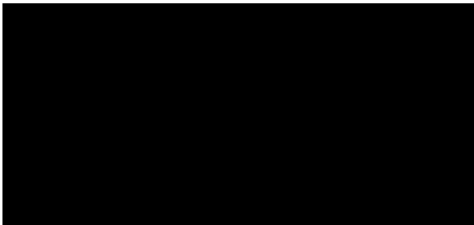
- Decision

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 SEVEN THOUSAND FIVE HUNDRED AND FIFTY POUNDS (£7,550)  
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.**



14<sup>th</sup> January 2022

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**Legal Member/Chair**

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**Date**