

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/1455**

**Re: Property at 27 Fintry Terrace, Hamilton, ML3 9QT (“the Property”)**

**Parties:**

**Mr Ian McMaster, 94 Duke Street, Glasgow, G4 0UW (“the Applicant”)**

**Miss Courtney Elizabeth Cox, 27 Fintry Terrace, Hamilton, ML3 9QT (“the Respondent”)**

**Tribunal Members:**

**Jan Todd (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order for payment of the sum of £395 be granted in favour of the Applicant from the Respondent.**

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 17<sup>th</sup> May 2022 for an order for payment of arrears of rent from the Respondent who is the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

- A copy of a Tenancy Agreement dated 12<sup>th</sup> May 2021 between the Applicant as Landlord and the Respondent who was the Tenant.
- Statement of rent arrears showing a sum outstanding as at 3<sup>rd</sup> May 2022 of £395.

2. The case management discussion (CMD) proceeded today by way of teleconference.
3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers personally on the Respondent on 26<sup>th</sup> July 2022 .
4. Intimation was then given to both parties by letter of the correct date and time of the CMD as an error had been made in the first intimation.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and by 10.10 neither party had joined the call. The Clerk to the Tribunal called the Applicant's representative to see if there was a problem and Mr George Reynolds the Applicants representative then joined the call having advised that he had difficulty joining the teleconference call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was fair and appropriate to do so.
3. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and she has not responded in writing or requested any postponement of today's CMD.
4. Mr Reynolds advised that he was seeking an order on behalf of the landlord for the sum of £395 being the sum due and not paid by the tenant. He advised that the rent is paid by the DWP but around January 2022 it was paid direct to the tenant and following non-payment by the tenant the landlord sought and had the rent paid direct.
5. The legal member asked questions regarding the rent statement and asked what the up to date position regarding the rent was. Mr Reynolds confirmed that subsequent rent due from 1<sup>st</sup> June to 3<sup>rd</sup> September had been paid by the DWP and so the rent outstanding was still £395, He advised he had an up to date statement showing this and the legal member asked if this could be e-mailed which he then did. The rent statement shows rent has been paid since 3<sup>rd</sup> May but the arrears remain in the sum of £395.
6. Mr Reynolds advised the Respondent is still resident in the Property and the tenancy is continuing.

### **Findings in Fact**

1. The parties entered into a lease of the Property in the form of a Private Residential tenancy which commenced on 3<sup>rd</sup> June 2021.
2. The Rent due in terms of the lease is £395 per calendar month payable in advance
3. The tenancy is ongoing with the rent now being paid directly by the DWP to the Applicant.
4. The rent outstanding at the date of the application and as at today's date is £395

- **Reasons for Decision**

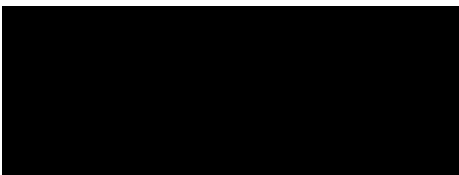
5. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £395 per month in rent.
6. The Respondent has failed to pay the full rent due. The Respondent has rent paid through benefits. She failed to pay one months' rent due on 1<sup>st</sup> January and since then the Applicant sought and has received rental payments directly from DWP.
7. The Respondent was served notice of this application by sheriff officer on 26<sup>th</sup> July 2022 and has not made any written representations or attended this CMD. The Applicants provided an up-to-date rent statement today showing the sum due is still £395.
8. The Tribunal accepts the written evidence and verbal statements made by the Applicant's representative who the Tribunal found clear in his evidence that the rent outstanding is £395. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £395 is granted.

### **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.**



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**Legal Member: Jan A Todd**

**Date: 14<sup>th</sup> September 2022**