



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/20/2336

Re: Property at 5 H Kerr Road, New Farm Loch, KA3 7JH (“the Property”)

Parties:

Miss Sarah McArthur, 11 Drummond Place, New Farm Loch, KA3 7JY (“the Applicant”)

Emma Fewster, Unknown, Unknown (“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 £2353.92

Background

1. This is an application dated 6th November 2020 for an order for payment under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant lodged a copy of a tenancy agreement between the parties in respect of the Property that commenced on 12th September 2015 with a monthly rent of £425, and a rental statement showing rent arrears outstanding in the sum of £2424.93.
2. Service upon the Respondent by advertisement was carried out on the Housing and Property Chamber website in terms of Rule 6A from 21st January to 26th February 2021.

Case Management Discussion

3. A CMD took place by telephone conference on 26th February 2021. The Applicant was not in attendance and was represented by Ms Rachel Thomson, Solicitor. Commencement of the CMD was delayed to allow the Respondent to attend. The Respondent was not in attendance.
4. 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 and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
5. Ms Thomson said that the sum sought was now £2353.92 in respect of outstanding rent arrears. Following discussion, Ms Thomson moved for an order for payment in that sum.

Findings in Fact

6.
 - i. Parties entered into a short assured tenancy agreement in respect of the Property that commenced on 12th September 2015 with an agreed rent of £425 per month.
 - ii. Rent lawfully due in terms of the tenancy was not paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

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

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £2353.92.

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.

**Helen Forbes
Legal Member**

**26th February 2021
Date**