



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/2825

Re: Property at 33 Eden Road, Alloa, FK10 2GD (“the Property”)

Parties:

Julie Williamson, residing at 2 The Glen, Tullibody, Alloa, FK10 2GD (“the Applicant”)

Mary Ann Hamilton, residing at 33 Eden Road, Alloa, FK10 2JJ (“the Respondent”)

Tribunal Members:

Paul Doyle (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 made.

Background

The Applicant sought an order for payment of rental arrears totalling £3,059.50. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement and a calculation of outstanding rental. A copy title sheet was lodged with the Tribunal which showed that the applicant was the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 10.00am on 17 January 2023 by telephone conference. The Applicant was present and unrepresented. There was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 31/08/2016.
2. The applicant served a notice to quit on the respondent asking the respondent to vacate the property on 27 July 2022. The respondent remains in the property. On 19/12/2022 the applicant sold the property to the local authority.
3. The rent in terms of the Tenancy Agreement was £440 per month.
4. The Respondent failed to maintain prompt and regular payments of rent, and rent arrears have increased since 2019. Between July 2022 and 19/12/2022 the respondent did not pay any rent. At the date of application, there were arrears of rental totalling £2,024.50. By 19/12/2022 the rent arrears totalled £3059.50.
5. The applicant asked to amend the sum claimed by increasing the sum applied for from £2,024.50 to £3,059.50 in terms of rule 13 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
6. The application is amended so that the sum applied for is £3,059.50.
7. Notice of the date of this hearing, together with joining instructions, was served on the Respondent by sheriff officers on 29/11/2022.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £3,059.50. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £440 per month. The respondent failed to maintain prompt and regular payments of the full monthly rental so that since 2019 arrears of rental have accumulated. Rental was due by the respondent to the applicant until 19/12/2022. Between July 2022 and 19/12/2022, the Respondent did not pay any rent. By 19/12/2022 there were arrears of rent totalling 3,059.50

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle

Legal Member

Date 17 January 2023