

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/2418**

**Re: Property at 9G Ellisland Road, Cumbernauld, G67 2HG (“the Property”)**

**Parties:**

**KJB Housing Ltd for and on behalf of Janice Leary, 28 Castle Road, Bathgate, West Lothian, EH48 1TJ (“the Applicant”)**

**Miss Fiona McLean, 9G Ellisland Road, Cumbernauld, G67 2HG (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (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 by the respondent to the applicant of the sum of £2865 ( Two Thousand Eight Hundred and Sixty Five Pounds) be made.**

## **BACKGROUND**

**The applicants applied to the Tribunal under Rule 70 for an order for payment.**

**Accompanying the application were the following documents**

- 1 Tenancy Agreement**
- 2 Rent Statement**

**The applicants subsequently lodged an amendment to the sum sought increasing the sum from £1680 to £2865. The application to amend was sent to the respondent on 4 October by letter and first class post.**

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The respondent was served with the application by sheriff officer personally.

No written response to the application was made by the respondent.

#### **CASE MANAGEMENT DISCUSSION**

At the case management discussion Ms Caldwell appeared on behalf of the applicants.

There was no appearance by or on behalf of the respondent.

The applicants representative confirmed that no payments of rent had been made since the updated rent statement was issued and accordingly the sum of £2865 remained due.

#### **FINDINGS IN FACT**

1 The parties entered in to a private residential tenancy agreement dated 29 January 2019.

2 Rent was due to be paid at the rate of £395 per month.

3 Rent in the sum of £2865 was due at 4 October 2019.

4 An order for payment of £2865 should be made

#### **REASONS FOR DECISION**

The applicant had supplied all the necessary paperwork. It was confirmed by the applicants representative that the sum of £2865 was outstanding as at 4 October 2019.

The respondent had made no written response or attended at the discussion.

The arrears of rent were accepted in the sum of £2865.

#### **DECISION**

An order for payment by the respondent to the applicant of the sum of £2865 be made.

## 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.

Mark Thorley

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Legal Member/Chair

24 October 2019.  
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Date