



**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/22/0546**

**Re: Property at 69 Balmore Drive, Hamilton, ML3 8DE (“the Property”)**

**Parties:**

**Mr JOHNATHON LAU, 157 PORTLAND STREET, ABERDEEN, AB11 6LN (“the Applicant”)**

**MS JULIE MONTAGUE, 69 Balmore Drive, Hamilton, ML3 8DE (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Elizabeth Currie (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £2,400.**

**[1] Background**

The application before the Tribunal was made in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The Applicant submitted an application for payment of £2,400. The Tribunal intimated the application to the Respondent by letter of 17 March 2022 and advised her of the date, time and conference call details of today’s case management discussion. The Respondent was invited to make written representations by 7 April 2022, but no written representations were received by the Tribunal.

## **The case management discussion**

[2] The Applicant was represented by Mrs Lesley Barclay. The case management discussion proceeded by conference call and in the absence of the Respondent. The Tribunal was advised that the Respondent first accrued rent arrears in January 2021, but repaid those. However, there have been no payments by the Respondent to the rent account since October 2021. Since the rent statement was lodged, the arrears of rent have increased to £3,750.

## **[3] Findings in Fact**

- i. The parties entered into a private residential tenancy which commenced 1 September 2020.
- ii. Rent was payable at the rate of £450 per month, in advance.
- iii. As at February 2022, the rent arrears due by the Respondent amount to £2,400, but have increased since then.

## **[4] Reason for Decision**

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent did not lodge any written submissions and she failed to participate in the case management discussion. The Tribunal therefore had no information to suggest that the sum sought was disputed. The Tribunal was satisfied that as at the date of submission of the present application, the Respondent had incurred rent arrears of £2,400 and since that date, the rent arrears have increased.

## **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.**

Nicola Irvine

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**Legal Member/Chair**

**6 May 2022**  
**Date**