



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/CV/22/4491**

**Re: Property at 17E Ardgowan Street, Greenock, Inverclyde, PA16 8LG (“the Property”)**

**Parties:**

**Mr Douglas Morrison, 87 Albert Road, Gourock, PA19 1NJ (“the Applicant”)**

**Miss Karen Shearar, 17E Ardgowan Street, Greenock, Inverclyde, PA16 8LG (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Eileen Shand (Ordinary 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 be granted in the sum of £4,566.72.**

**Background**

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 23 December 2022;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 11 August 2021;
3. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 17 February 2023;
4. Written Representations from the Respondent received 9 March 2023;

5. Updated Rent Statements dated 15 February, 23 March, 2 June and 4 July 2023;
6. Hearing Notification dated 31 May 2023;
7. Written Representations from the Respondent dated 27 June 2023.

## **Hearing**

The case called for a Hearing by conference call on 4 July 2023. The Applicant participated and was represented by his Solicitor. The Respondent did not participate and was not represented.

The Respondent's representative had written to the Tribunal on 27 June 2023 and informed the Tribunal that the Respondent was withdrawing her defence to the application.

The Applicant's representative then addressed the Tribunal on the current rental arrears. He drew attention to the updated amount of rental arrears which currently stood at £4,729.85. The rent arrears were increasing. The Applicant's representative had updated the amount of arrears as at 2 June 2023 in an email to the Tribunal and copied to the Respondent. The arrears at that date were £4,566.72.

The Tribunal then considered the documentary and oral evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 11 August 2021;
2. The monthly rent was £550;
3. As at the date of the Hearing the Respondent was in arrears of rent in the sum of £4,729.85;
4. As at 2 June 2023 the rent arrears were £4,566.72.

## **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought in the amount of £4,566.72.

## **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.**



4 July 2023

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Legal Member/Chair

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Date