

**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 2014.**

**Chamber Ref: FTS/HPC/CV/18/2366**

**Re: Property at 159 Millgate Loan, Arbroath, DD11 1QQ (“the Property”)**

**Parties:**

**Mrs Morag Maxwell, C/O Wardhaugh Property, 38 - 40 East High Street, Forfar, DD8 2EG (“the Applicant”)**

**Miss Kristen Herald, 159 Millgate Loan, Arbroath, DD11 1QQ (“the Respondent”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**This is an Application for a Payment Order in the sum of £2635 by the Applicant said to relate to unpaid rent lawfully due by the Respondent to the Applicant.**

**The Respondent did not attend the Case Management Discussion on 9<sup>th</sup> November 2018 but had been served with the Application and supporting papers and notified of the date of the Case Management Discussion. The Applicant was represented by Miss Caldwell of TC Young Solicitors. She moved the Tribunal to proceed in the absence of the Respondent who had been advised of the date and the Tribunal was prepared to proceed in the absence of the Respondent.**

**The Tribunal had sight of the Application, a copy of the Tenancy agreement between the parties and a schedule of rent payments.**

**Findings in Fact**

1.The Applicant and Respondent entered into a Tenancy agreement dated 1<sup>st</sup> March 2018 in terms of the Private Housing ( Tenancies) Scotland Act 2016 in respect of the Property in which the Respondent agree to pay rent of £475 per calendar month to the Applicant.

2.The rent fell into arrears as early as the first month of the tenancy and as of November 2018 the sum of £2635 is outstanding and lawfully due by the Respondent to the Applicant in respect of the tenancy agreement.

3.The Tribunal had no information to suggest that the arrears were connected to late benefit payment and the Applicant's representative Miss Caldwell confirmed that the Applicant at no time was aware whether the Respondent was in receipt of Housing benefit or Universal Credit.

### Reasons for Decision

The Respondent is lawfully due to pay outstanding rent in the sum of £2635 to the Applicant in respect of her tenancy at the Property.

### Decision

The Tribunal makes a Payment Order in the sum of £2635 to be paid by the Respondent and in favour of the Applicant.

### 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.

Valerie Bremner

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Legal Member/Chair

9/11/18  
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Date