

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/19/2451

Re: 22 Willowpark Court, Airdrie ML6 ODS (“Property”)

Parties:

Mario Zambonini, c/o Ness Gallagher, Solicitors, 95 Stewarton Street, Wishaw ML2 8AG (“Applicant”)

Leanne Cairns, 22 Willowpark Court, Airdrie ML6 ODS (“Respondent”)

Ness Gallagher, Solicitors, 95 Stewarton Street, Wishaw ML2 8AG (“Applicant’s Representative”)

**Tribunal Members:
Joan Devine (Legal Member)**

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of £4,600 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 12 March 2015 and a copy statement of rent arrears.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 3 December 2019. The Applicant was in attendance along with Edward McCarron of the Applicant’s Representative. There was no appearance on behalf of the Respondent.

At the CMD the Applicant’s Representative told the Tribunal that the arrears of rent had continued to accumulate. An updated statement of arrears was produced showing rent arrears of £5020. The Tribunal noted that the sum sought in the Application was £2,770. On 9 September 2019 the Applicant’s Representative had lodged with the Tribunal an updated statement of arrears showing arrears of £4600. A copy of this had been intimated to the Respondent. Notice had therefore been

provided in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property dated 12 March 2015.
2. The rent in terms of the Tenancy Agreement was £450 per month.
3. The Respondent had failed to make payment of rent due over the period October 2017 to August 2019. The total outstanding was £4600.
4. Notice of the date of the CMD had been given to the Respondent by letter dated 30 October 2019.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £4600. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £450 per month and a balance remained unpaid.

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.

Joan Devine
Legal Member

3 December 2019

Date