



**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/24/3098

**Re: Property at Flat 1/1, 16 Arthur Street, West Kilbride, North Ayrshire, KA23
9EN (“the Property”)**

Parties:

**Mrs Margaret Kathleen (Kate) Drysdale (also Stanforth), The Bungalow,
Painswick Golf Club, Golf Course Road, Painswick Stroud, GL6 6TL (“the
Applicant”)**

**Ms Lee McBride also known as Lee Morrison, 17 Glenside Crescent, West
Kilbride, North Ayrshire, KA23 9AA (“the Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to make an order for payment in the sum of Three
thousand and seventy pounds and forty three pence (£3,070.43)**

Background

1. By application to the Tribunal the Applicant sought an order for payment against the Respondent in respect of unpaid rent arrears in the sum of £3070.43 under Rule 70 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”). In support of the application the Applicant provided a copy of the tenancy agreement between the parties and a rent statement.
2. By Notice of Acceptance of Application a Legal Member of the Tribunal with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. The application was therefore referred to a Case Management Discussion (“CMD”) on 3 December 2024, to

take place by teleconference. Notification was sent to the parties in accordance with Rule 17(2) of the Rules of Procedure. Said notification together with a copy of the application paperwork was served upon the Respondent by Sheriff Officers on 23 October 2024. Both parties were invited to make written representations in advance of the CMD.

3. On 21 November 2024 the Tribunal received an email from Alister Meek of CHAP advising that he had been instructed to represent the Respondent in the Tribunal proceedings.

Case Management Discussion

4. The CMD took place on 3 December 2024 by teleconference. The Applicant was in attendance. Mr Meek represented the Respondent, who was not personally present.
5. The Tribunal explained the purpose of the CMD and asked the parties for their submissions on the application. The following is a summary of what was discussed and does not constitute a verbatim account of the proceedings.
6. The Applicant advised that she was seeking a payment order in the sum of £3070.43. The Respondent had been paying her rent, however payments had become sporadic and had eventually stopped. The Applicant's agent had been dealing with the matter on her behalf. The documents the Applicant had submitted with the application had been provided by her agent. The Applicant confirmed that there had been some damage to the property following the termination of the tenancy but she was not seeking to recover this.
7. Mr Meek advised that he had spoken with the Respondent at length regarding the application. She did not oppose the making of a payment order. Mr Meek had explained the option to apply for a time to pay application, however the Respondent was currently unemployed and was not fit to work. She was not therefore in a position to make a payment plan. She was however content for the Applicant to seek to make deductions from her benefits.

Findings in Fact

8. The Applicant let the property to the Respondent under a tenancy agreement which commenced on 8 June 2018.
9. In terms of Clause 8 of the said tenancy agreement the Respondent undertook to make payment of rent at the rate of £500 per calendar month.
10. The tenancy between the parties terminated on 8 May 2023.
11. As at the date of termination arrears in the sum of £3070.43 were outstanding.

Reasons for Decision

12. The Tribunal determined that it had sufficient information upon which to make a decision at the CMD and that to do so would not be contrary to the interests of the parties. Mr Meek had confirmed that the Respondent did not oppose the application. Accordingly, the Tribunal did not identify any facts in dispute, nor any issues to be resolved, that would require a hearing to be fixed.
13. The Tribunal was satisfied based on its findings in fact that the Respondent was due to pay rent of £500 per month under the terms of the tenancy agreement which had been produced by the Applicant. The Tribunal was further satisfied based on the rent statement submitted that arrears of £3070.43 were due as at the termination of the tenancy. The Respondent had not disputed this.
14. Accordingly the Tribunal determined to make an order for payment in the sum of £3070.43.

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.

Ruth O'Hare

3 December 2024

Legal Member/Chair

Date