

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) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/0759

**Re: Property at 37 Farquhar Terrace, South Queensferry, Scotland, EH30 9RW
("the Property")**

Parties:

**Mrs Gail Butler, 605 Reading Road, Winnersh, Wokingham, Berks, RG41 5HQ
("the Applicant")**

**Ms Michelle Helen Whittaker, Flat 2, 73A Trafalgar Lane, Edinburgh, Midlothian,
EH6 4DQ ("the Respondent")**

Tribunal Members:

Yvonne McKenna (Legal 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 the sum of
£10,310.**

Background

The Applicant submitted an application seeking an order for payment in the sum of £10,310. That sum related to arrears of rent in respect of the Respondent's tenancy at the Property. The Tribunal intimated the application to the parties by letter dated 26th November 2018. The letter to the Respondent was served by Sheriff Officers on 27th November 2018 by letterbox service. The intimation advised parties of the date, time and place of today's Case Management Discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent has made no written representations to the Tribunal.

The Case Management Discussion(CMD)

The Applicant participated in the CMD by telephone conference as had been pre-arranged with the Tribunal . The Respondent did not attend. She had made no contact with the Tribunal at all. The Applicant assured the Tribunal that the Respondent was resident at the address where the sheriff officers had served the paperwork. She advised the Tribunal that there had been no further payments received since the application had been made. The Applicant sought an order for payment in the sum of £10,310.

Findings in Fact

- 1.The Applicant and the Respondent entered into a Short Assured Tenancy Agreement dated 25th July 2014. Thereafter the tenancy continued by tacit relocation.
- 2 The rent payable was £850 per month.
- 3 As at the date of the CMD, rent arrears amounted to £10,310.
- 4 The Applicant is entitled to the Order sought for payment in the sum of £10,310.

Reasons for Decision

The Applicant has produced a rent statement which shows that the rent arrears amounted to £10,310 at the time the present application was presented. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

Decision

The Tribunal granted the order for payment in the sum of £10,310.

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.

Y McKenna



Legal Member/Chair



Date