



**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**

**Chamber Ref: FTS/HPC/CV/19/3980**

**Re: Property at 0/1, 2 Turnberry Place, Rutherglen, Glasgow, G73 4QB (“the  
Property”)**

**Parties:**

**Ms Rachel Elizabeth Davies Sinclair, 79 Calderwood Road, Rutherglen,  
Glasgow, G73 3PL (“the Applicant”)**

**Ms Julie Morrison, Flat 0/1, 2 Turnberry Place, Rutherglen, Glasgow, G73 4QB  
 (“the Respondent”)**

**Tribunal Members:**

**Jan Todd (Legal 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 by the Respondent to the  
Applicant of the sum of £3,917.75 should be granted.**

1. A Case Management Discussion (CMD) was held at 10am on 13<sup>th</sup> February 2020 at Room 108 20 York Street Glasgow. The Applicant was not present in person but was represented by Ms Nicola Caldwell for T C Young solicitors. There was one observer Ms Smith.
2. The respondent did not attend, nor did anyone appear on their behalf. There had been no reason intimated in advance for their non-appearance nor any request made for a postponement of the CMD. The Tribunal noted that valid intimation of the CMD had been made to the Respondent having seen a certificate of execution of service on the Respondent by Sheriff Officers dated 13<sup>th</sup> January 2020.
3. Accordingly the Tribunal proceeded to hold the CMD in the absence of the Respondent.

## **The Case Management Discussion**

4. There were no written representations received from the Respondents.
5. Ms Caldwell advised that that the Respondent had entered into a lease of the Property from the Applicant which commenced on 12<sup>th</sup> January 2019. The Applicant is the owner of the Property and the Respondent was obliged in terms of the lease to pay £475 per month on 12<sup>th</sup> of each month commencing on 12<sup>th</sup> January 2019.
6. At the date of raising this application for an order for payment for rent arrears the Respondent owed £2967.75 as per the rent statement lodged with the application.
7. At today's date Ms Caldwell advised the arrears are now £3,917.75. The Applicant had intimated a request to amend the sum claimed to this amount by e-mail dated 28<sup>th</sup> January and had advised they had intimated this to the Respondent in terms of Rule 14A of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and Ms Caldwell asked the Tribunal to accept this request to amend.
8. The Applicant had lodged a fresh rent statement showing the latest rent due and not paid was on 12<sup>th</sup> February 2020 and under questions from the Tribunal Ms Caldwell confirmed she had checked with her client to ensure that no further rent had been paid as of yesterday. Ms Caldwell confirmed there had been no payment.
9. There followed a discussion about whether or not there was a deposit made which should be deducted but the lease indicated that no deposit was paid and although Ms Caldwell could not confirm this, she did advise that if there was any deposit, this would be put towards any damage or further rent due as the tenant was still occupying the Property.

## **Findings in Fact**

10. The parties entered into a lease of the Property which was dated and which commenced on 12<sup>th</sup> January 2019.
11. The Rent due is £475 per calendar month payable in advance
12. The rent outstanding at the date of the application namely 13<sup>th</sup> December 2019 was £2967.75.
13. The Rent outstanding at today's date is £3,917.75
14. There appears to be no deposit paid in terms of the lease

### **• Reasons for Decision**

15. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £475 per month in rent.
16. The Respondent has failed to pay the full rent due and in particular has not paid anything towards the rental sums since July 2019.
17. The sum due at today's date is £3,917.75 and this amended sum claimed has been duly intimated on the Respondent who has made no response.
18. The Tribunal accepts the written evidence and verbal statements made by the Applicant's agent that rent is outstanding amounting to £3917.75 and in the

absence of any response from the Respondent finds it fair and appropriate to make an order for payment today.

19. There being no application for time to pay the Tribunal makes an order for payment of the full sum.

#### **Decision**

**The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £3917.75**

#### **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.**

J Todd

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Legal Member/Chair

13<sup>th</sup> February 2019  
\_\_\_\_\_  
Date