



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

Chamber Ref: FTS/HPC/CV/21/1235

Re: Property at 28E Brediland Road, Linwood, PA3 3RB (“the Property”)

Parties:

Robert McCulloch, 28 Fulbar Crescent, Paisley, PA2 9AS (“the Applicant”)

Emma Sherwood, formerly residing at 28E Brediland Road, Linwood, PA3 3RB and now at 26 Lochhead Avenue, Linwood, PA3 3EL (“the Respondent”)

Tribunal Members:

Paul Doyle (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 should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £1,980. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement and a calculation of outstanding rent. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A Case Management Discussion took place before the Tribunal by telephone conference at 10.00am on 3 September 2021. The applicant was present and was unrepresented. There was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 15 August 2020.
2. The initial rent in terms of the Tenancy Agreement was £495 per month. The respondent vacated the property on 15 July 2021.
3. The Respondent failed to make payment of rent due on 15 September 2020, 15 March 2021, 15 April 2021 and 15 May 2021, so that by the time the respondent vacated the property, the rental was 4 months in arrears.
4. At today's date there are arrears of rental totalling £1,980.
5. Notice of this hearing was served on the Respondent by sheriff officers on 2 August 2021.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £1,980. Rent was lawfully due in terms of clause 7 of the Tenancy Agreement at the rate of £495 per month. By the time the tenant vacated the property she had missed 4 payments of monthly rental. At today's date, the respondent still owes the applicant £1,980 in arrears of rent.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.