



**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/19/2393

Re: Property at 9E Mar Grove, Musselburgh, EH21 7BW (“the Property”)

Parties:

**LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way,
Dunfermline, Fife, KY11 8PL (“the Applicant”)**

**Ms Joanne McDonald, 9E Mar Grove, Musselburgh, EH21 7BW (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent(s) for
payment of the undernoted sum to the Applicant(s):**

**Sum of NINE HUNDRED AND FORTY SEVEN POUNDS AND FIFTY PENCE
(£947.50) STERLING**

- Background
- 1. An application dated 29 July 2019 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion took place on 3 October 2019. The Applicant was represented by Miss Caldwell of TC Young Solicitors. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent at the Property by Sheriff Officer on 23 August 2019. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.
3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 66 of the Rules and under case reference FTS/HPC/EV/19/2392 was heard at the same time.
4. The Applicant moved for the order for payment to be granted in the increased sum of £947.50. An application had been made by the Applicant to increase the sum sought to £947.50 in terms of Rule 14A of the Rules by email of 28 August 2019. Intimation in the form of a letter dated 28 August 2019 had been made by the Applicant on the Respondent under said Rule. The parties had entered into a Short Assured Tenancy Agreement. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £939.50 at the date of submission of the application. Whilst some payments had been made since then, there had been an increase in the arrears due to the sum of £947.50. A rent statement was lodged in this regard.

- Findings in Fact

5. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 15 January 2016;
- (b) In terms of Clause 5.1 of the Agreement, the Respondent was obliged to pay a monthly rent of £600 to the Applicant;
- (c) The rent had subsequently been increased to £629 per month;
- (d) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £947.50.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £629 per month under Clause 5.1 of the Agreement and had failed to do so. She had accrued arrears amounting to £947.50 and which fell lawfully due to be repaid to the Applicant.
7. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision
8. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of NINE HUNDRED AND FORTY SEVEN POUNDS AND FIFTY PENCE (£947.50) STERLING

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.

F.Watson

Legal Member/Chair

3/10/19

Date