



**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/18/2052**

**Re: Property at 51 Brentwood Drive, Glasgow, G53 7UJ (“the Property”)**

**Parties:**

**Mr Edward Cullen, 55 Corkerhill Place, Glasgow, G52 1RU (“the Applicant”)**

**Ms Alyson Lever, 51 Brentwood Drive, Glasgow, G53 7UJ (“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 THREE THOUSAND ONE HUNDRED AND TWENTY FOUR POUNDS  
AND THIRTY EIGHT PENCE (£3,124.38) STERLING**

The Applicant submitted an application to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Said application was dated 8 August 2018 and sought payment in the sum of £3,124.38, being arrears due under a tenancy agreement between the parties, along with “any further sums due from 8<sup>th</sup> August 2018 to the date an order is made.”

A Case Management Discussion took place on 2 October 2018. Ms Nicola Caldwell of TC Young Solicitors appeared on behalf of the Applicant. There was no appearance by or on behalf of the Respondent. Miss Caldwell submitted that a payment order should be granted against the Respondent. She advised the Tribunal that the parties had entered into a tenancy agreement under which rent was due at the rate of £550 per month. The Respondent had failed to pay rent lawfully due. The arrears were £3124.38 at the time of raising the application and they had since increased to £4,224.38 at the date of the Case Management Discussion. An

updated rent statement was produced. Miss Caldwell moved for a payment order to be granted in the increased sum. Ms Caldwell confirmed that she had not, on behalf of the Applicant, intimated the increased sum due on the Respondent and could not confirm whether or not the Applicant had done so directly themselves.

The Tribunal was satisfied that rent was lawfully due by the Respondent to the Applicant. The Tribunal was not satisfied that sufficient intimation had been given to the Respondent of the increased sum due and that an order would be sought in the sum of £4,224.38.

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 THREE THOUSAND ONE HUNDRED AND TWENTY FOUR POUNDS AND THIRTY EIGHT PENCE (£3,124.38) 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.**

Fiona Watson

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Legal Member/Chair

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Date

2/10/18