



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/CV/20/0229

Re: Property at Kempleton Bungalow, Twynholm, Kirkcudbright, DG6 4NJ (“the Property”)

Parties:

**Mr Thomas Maitland, Cumstoun House, Twynholm, Kirkcudbright, DG6 4NL
 (“the Applicant”)**

**Mr Duncan McLachlan, Kempleton Bungalow, Twynholm, Kirkcudbright, DG6
 4NJ (“the Respondent”)**

Tribunal Members:

Josephine Bonnar (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 of the sum of £2530.00 should be granted against the Respondent in favour of the Applicant.

Background

1. By application dated 21 January 2020 the Applicant seeks a payment order against the Respondent. Documents lodged in support of the application include a copy private residential tenancy agreement and rent statement.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 26 June 2020. Both parties were notified that a case management discussion (“CMD”) would take place by telephone case conference on 12 August 2020 at 2pm which they were required to attend.

3. The case called for a CMD on 12 August 2020 at 2pm. The Applicant was represented by Mr Turnbull, solicitor. The Respondent did not participate.

Case Management Discussion

4. Mr Turnbull advised the Legal Member that the Respondent remains in occupation of the property. No further rent has been paid since the application was lodged, and no payment made to the arrears. The Applicant has had no contact from the Respondent and the sum of £2530 remains outstanding. The Respondent was previously in employment, although his current employment status is not known. Mr Turnbull confirmed that the Applicant seeks an order for payment.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
7. The Respondent is due to pay rent at the rate of £430 per month.
8. The Respondent has been in arrears of rent since 27 April 2020
9. The Respondent owes the sum of £2530 in unpaid rent to the Applicant

Reasons for Decision

10. The Legal Member is satisfied from the rent account lodged with the application, and the information provided at the CMD, that the Respondent owes the sum of £2530 in unpaid rent. He has been in arrears of rent since 27 April 2020. He has not contacted the Applicant or made payment to the arrears since the application was lodged. The Legal Member is therefore satisfied that a payment order should be made.

Decision

11. The Legal Member determines that an order for payment in the sum of £2530 should be granted against the Respondent.

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.

12 August 2020

Josephine Bonnar, Legal Member