

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



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

**Chamber Ref: FTS/HPC/CV/18/3176**

**Re: Property at 14 Murray Crescent, Newmains, Wishaw, ML2 9EP (“the Property”)**

**Parties:**

**Mr James Sneddon, Mrs Elizabeth Sneddon, 2 Polkemmet Road, Whitburn, Bathgate, West Lothian, EH47 0NZ (“the Applicant”)**

**Mr Alan Murray, 14 Murray Crescent, Newmains, Wishaw, ML2 9EP (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant in the sum of TWO THOUSAND FIVE HUNDRED AND FIFTY POUNDS (£2,550) STERLING**

Background

This application for an Ancillary Order made by the Applicant was lodged in accordance with Rule 111. The application seeks a payment order relative to arrears of rent. A notice to leave has been served but has not yet expired. An eviction application is likely to be made shortly.

The Hearing

A case management discussion was assigned for 24 January at 10am. The Respondent was aware of this as the date was comprised within the documentation served upon him by Sheriff Officer on 7 January 2019. He

failed to attend or be represented. No response or written representations have been received.

The hearing was attended by Mandy Robertson, who represented the Applicants. Submissions were made based upon the written evidence and documentation. The current level of rent arrears was clarified.

### Findings of Fact

1. The parties entered into a contractual Private Residential Tenancy Agreement dated 17 May 2018. Monthly rental payments were £ 425 per calendar month.

2. The Respondent has failed to make relevant payments of rent. The Respondent is in arrears of rent to the extent of £ 2,550 (6 months rent).

### Reasons for Decision

The application for the Ancillary Order being an Order for Payment which the Applicant seeks is in relation to the rent arrears due. The Tribunal was satisfied on the basis of the documentary evidence that the amount claimed is due and outstanding as at the date of the hearing. The Respondent has failed in his contractual obligations and is liable to make payment to the Applicant in the sum sought. The application has been lawfully served on the Respondent who has not opposed the application.

### **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.**

Richard Mill

**Legal Member/Chair**

**Date 24 January 2019**