



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)**

**Chamber Ref: FTS/HPC/CV/20/0193**

**Re: Property at 125 Albion Street, Coatbridge, ML5 3SD (“the Property”)**

**Parties:**

**Mr Lendrick Gillies, 132 St Johns Road, Edinburgh, EH12 8AX (“the Applicant”)**

**Mr Mark Sneddon, Unknown, Unknown (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order in favour of the Applicant against the Respondent for payment of the sum of £511.08 should be made.**

**Background**

1. By application submitted on 20 January 2020, the Applicant sought a payment order in the sum of £961.08 against the Respondent in respect of rent arrears incurred in respect of the Property in terms of Rule 111 of the Regulations.
2. Supporting documentation was submitted in respect of the application, including a Rent Statement.
3. A Legal Member of the Tribunal with delegated powers from the Chamber President subsequently issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations. A Case Management Discussion (“CMD”) was previously assigned for 13 August 2020. However, Sheriff Officers attempted service of the papers on the Respondent at the Property on 15 July 2020 and this was unsuccessful, as the Respondent no longer resided there and his forwarding address was unknown. The CMD was postponed and a fresh date

assigned for 14 September 2020 at 2pm, to take place by telephone conference call. Notice of the Application and notification of the fresh CMD was made by Advertisement on the Tribunal website for the period 10 August 2020 to 14 September 2020 inclusive. The Tribunal also intimated the papers on the Respondent by way of email on 10 August 2020 to which he responded on 13 August 2020 to acknowledge the notification and stated that he would sort the matter out as soon as possible. He did not supply his forwarding address and no subsequent written representations were received from him.

### **Case Management Discussion**

4. On 14 September 2020, the Applicant's representative, Mr Paul Clark of Aquila Management Services Ltd joined the telephone conference CMD. The Legal Member delayed the start of the Case Management Discussion for a few minutes after 2pm to see if the Respondent joined but he did not do so.
5. After introductions and introductory remarks by the Legal Member, Mr Clark addressed the Application. He stated at the outset that an eviction application had been submitted to the Tribunal at the same time as the present application but that the Respondent had subsequently left the Property voluntarily, so the eviction was no longer required. Mr Clark indicated that they were informed by Universal Credit that no further rent would be paid on the Respondent's behalf as they had been informed that he had vacated the Property. The Applicant does not know the exact date the Respondent vacated but estimate that it was somewhere between 7 and to 15 February 2020. Mr Clark confirmed that the rent arrears accrued by the time the Respondent vacated was higher than the figure of £961.08 claimed in the Application but that the Applicant is content just to seek an order in the original sum of £961.08. In response to questions from the Legal Member, Mr Clark confirmed that the tenancy had originally been in the joint names of the Respondent and his partner but that the Respondent had notified them that the partner had moved out, which they confirmed to the Respondent in writing on 9 October 2019. The rental in terms of the lease was £450 per calendar month. Latterly, they were receiving partial payment in respect of the rent from benefits and the Respondent was supposed to be paying the balance. However, his payments were erratic. Mr Clark confirmed, with reference to the rent statement submitted with the Application, that the last payment received from benefits towards the rent was £322.20 on 30 December 2019 and from the Respondent, £65 on 11 November 2019. No further payments towards rent have been made and there has been no contact from the Respondent, despite the terms of the Respondent's email to the Tribunal dated 13 August 2020. The Applicant still does not have a forwarding address for the Respondent. The Legal Member asked if a tenancy deposit had been paid at the outset of the tenancy in accordance with the lease and if the Applicant had been able to recover that via the relevant tenancy deposit scheme. Mr Clark checked his system and was able to confirm that they had managed to recover the £450 deposit for the Applicant and that this figure should therefore be deducted from the sum claimed of £961.08. This left a balance outstanding of £511.08. He requested that the Tribunal grant a payment order in that reduced amount.

## **Findings in Fact**

6. The Applicant is the owner and landlord of the Property.
7. The Respondent was initially the joint and then the sole tenant of the Property by virtue of a Private Residential Tenancy commencing on 7 April 2019.
8. The rent in terms of the tenancy was £450 per calendar month.
9. Rental payments were made initially but payments then became erratic and fell into arrears. The amount owing when this application was submitted to the Tribunal on 20 January 2020 was £961.08.
10. The Respondent subsequently vacated the Property in February 2020.
11. The last payments towards rent were £65 received from the Respondent on 11 November 2019 and £322.20 received from state benefits on 30 December 2019.
12. No further rental payments have been made by or on behalf of the Respondent since and the Applicant has had no contact from the Respondents and no explanation has been given for the non-payment of rent.
13. Following the Respondent vacating the Property, the Applicant has recovered the tenancy deposit of £450 via the tenancy deposit scheme and this sum stands to be deducted from the sum owed to the Applicant in respect of rent arrears of £961.08.
14. The Respondent has not submitted any written representations, nor sought time to pay, in respect of this application. The Respondent did not attend the Case Management Discussion.
15. The sum of £511.08 is due and resting owing by the Respondent to the Applicant in respect of rent arrears incurred during the tenancy and has not been paid by the Respondent.

## **Reasons for Decision**

16. The Respondent did not submit any written representations to the Tribunal and did not attend the Case Management Discussion, having been properly and timeously notified of same.
17. The Legal Member was further satisfied from the information contained in the application and supporting documentation, together with the oral submissions made by the Applicant's Representative at the Case Management Discussion that the balance of the sum claimed in unpaid rent of £511.08 is due and owing by the Respondent.

18. The Legal Member concluded that there being no information to the contrary from the Respondent that the matter did not require to go to an evidential hearing and that an order for payment of the sum of £511.08 should be made.

### **Decision**

19. The Legal Member accordingly determines that an order for payment by the Respondent of the sum of £511.08 should be made in favour of the Applicant.

### **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.**

Nicola Weir



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Legal Member/Chair

14 September 2020  
Date