

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

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**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/18/0569**

**Re: Property at 90 Portland Place, Hamilton, ML3 7LA ("the Property")**

**Parties:**

**Mrs Deveshree Rawat, c/o Let's Let, 37 Cadzow Street, Hamilton, ML3 6EE  
("the Applicant")**

**Mr Stephen Joseph Brown, 90 Portland Place, Hamilton, ML3 7LA ("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 for payment is granted against the  
Respondent in the sum of TWO THOUSAND THREE HUNDRED AND FIFTY  
SEVEN POUNDS AND ONE PENCE (£2,357.01) STERLING**

- **Background**

An application was made to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The application sought a payment order against the Respondent in the sum of £2,357.01 in respect of rent arrears accrued by the Respondent under a tenancy of the property at 90 Portland Place, Hamilton, ML3 7LA, leased by the Applicant to the Respondent.

- Case Management Discussion

A Case Management Discussion took place on 8 May 2018. The Applicant was personally present, and was represented by Lorna Turner of Leonards, solicitors. The Respondent was neither present nor represented.

Ms Turner referred to copy emails which had been sent to the Tribunal office on 25 April 2018 in terms of which the Respondent claimed to the letting agent that he was no longer residing in the property. Ms Turner also referred to a Tracing Agent report which had been submitted to the Tribunal office on 27 April, instructed by the Applicant, and which confirmed that the Respondent was still resident at the property address of 90 Portland Place, Hamilton, ML3 7LA. The Tribunal was advised that the Respondent had failed to make any payment of rent since 31 August 2017 and the arrears had increased to £2843.16 as at 7 May 2018. No keys had been returned by the Respondent, nor had he collected his belongings which still remained in the property.

Ms Turner moved the Tribunal to grant the payment order in the increased sum of £2843.16, being the level of arrears due at the time of the Case Management Discussion.

- Findings in Fact

The Tribunal papers had been served on the Respondent by Sheriff Officer letterbox delivery on 12 April 2018, following the Sheriff Officer having reasonable grounds for believing that the Respondent continued to reside there.

A tracing agent report confirmed the Respondent's residence at the property address on 27 April 2018.

The Tribunal office had further emailed the papers to the Respondent on 4 May 2018.

The tenancy between the parties commenced on 18 August 2017. The tenancy had not been lawfully terminated.

The arrears had increased to £2843.16 as at 7 May 2018.

- Reasons for Decision

The Tribunal was satisfied that the papers had been served at the property address and that the Respondent had been given reasonable notice of the date and time of the Case Management Discussion. No response to the application had been given by the Respondent to the Tribunal.

The Tribunal was not satisfied that the application should be increased on verbal motion to the higher amount of £2843.16 as there had been no prior intimation on the Respondent of the Applicant's intention to do so.

- **Decision**

The Tribunal determined that an order for payment is granted against the Respondent in the sum of TWO THOUSAND THREE HUNDRED AND FIFTY SEVEN POUNDS AND ONE PENCE (£2,357.01) 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

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**Legal Member/Chair**

8/5/18.  

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**Date**