



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/22/3222

Re: Property at 91 Stratford, Calderwood, East Kilbride, G74 3QL (“the Property”)

Parties:

Mr Tom Weir, 330 Eaglesham Road, Jackton, East Kilbride, G75 8RW (“the Applicant”)

Mr Stephen Elliott, 1j Darroch Way, Cumbernauld, Glasgow, G67 1QA (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order of Two Thousand One Hundred and eighty five pounds 48 pence (£2,185.48) be made against the Respondent in favour of the Applicant.

Background

- 1. This is an application for payment in terms of Section 71 (1) (a) of the 2016 Act.**
- 2. It was accepted for determination on 23rd November 2022.**

Case Management Discussion

- 3. A case management discussion was held by teleconference on 23rd February 2023.**

4. The Applicant was present.
5. There was no appearance by the Respondent.
6. The purpose of a case management discussion was explained to the Respondent.
7. The Respondent indicated that all the evidence he wished the tribunal to consider had been lodged by him. He said that he therefore saw no requirement for a Hearing to be fixed and invited the tribunal to grant the order.
8. Findings in Fact
 - 8.1 The parties entered into a private rented tenancy in respect of the Property on 6th August 2021.
 - 8.2 The tenancy commenced on 6th August 2021 and terminated on 25th June 2022 in compliance with a Notice to Leave served on the Respondent by the Applicant.
 - 8.3 The monthly rent due in terms of the private rented tenancy agreement was £425.
 - 8.4 The last payment of rent was made on 6th December 2021.
 - 8.5 There were arrears of rent of £2,390.48 on 25th June 2022.
 - 8.6 The sum of £205 was credited to the rental account from the sum held for the tenancy deposit.
 - 8.7 There are arrears of rent of £2,185.48.
 - 8.8 The Respondent has made no payment in respect of the arrears of rent and has made no proposals for payment of same.

Finding in Fact and Law

9. The Respondent had a contractual obligation to pay rent in accordance with the private rented tenancy agreement dated 6th August 2021. He has not complied with his contractual obligation and is responsible for payment of the arrears of rent amounting to £2,185.48.

Reasons

10. The tenancy agreement requires the Respondent to pay monthly rent of £425. The Applicant had submitted a rent statement showing that the last payment of rent was made on 6th December 2021 and that sum of rent arrears, after taking into account a payment from the tenancy deposit.
11. The Applicant said that the tenant had looked after the Property well and had paid the rent until December 2021. He said that the rental payment due in January 2022 had not been paid and that no payment of rent had been made since the December 2021 payment.

- 12. The Applicant referred the tribunal to the terms of the rent statement which he had lodged. He also referred the tribunal to the bank statements which he had lodged and he said that these show that no payments had been made by the Respondent since December 2021.**
- 13. The Applicant said that the Respondent had some personal issues and that he had tried to engage with him to try and resolve matters. He had been unable to do so and had served a Notice to Leave requiring the Property to be vacated on 25th June 2022. The Applicant said that the Respondent complied with this and left the Property prior to this date.**
- 14. The tribunal accepted what the Applicant had said with regard to the level of arrears and accepted the terms of the rent statement and the bank statements which he had lodged.**
- 15. The tribunal determined that the Respondent is required to pay the sum of £2,185.48 to the Applicant and made an order for that sum.**

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.

**Martin J. McAllister
Legal Member
23rd February 2023**