

**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**

**Chamber Ref: FTS/HPC/CV/21/2625**

**Re: Property at 19 McMillan Street, Larkhall, ML9 1AZ (“the Property”)**

**Parties:**

**A & N Residential LLP, Unit D Block 9, Botterills, South Avenue, Blantyre, G72  
0XB (“the Applicant”)**

**Mr Jordan Meharry, Miss Lisa Lockhart, 6 Riverside Gardens, Larkhall, ML9  
1NR (“the Respondents”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment of the sum of £1350 should be  
granted against the Respondents in favour of the Applicant.**

**Background**

1. By application received on 25 October 2021, the Applicant seeks a payment order in relation to unpaid rent. A copy tenancy agreement and rent statement were lodged in support of the application.
2. A copy of the application was served on the Respondents by Sheriff Officer on 10 December 2021. All parties were advised that a Case Management Discussion (“CMD”) would take place on 18 January 2022 at 11.30am by telephone conference call and that they were required to participate. They were provided with a telephone number and passcode.

3. The CMD took place at 11.30 on 18 January 2022. The Applicant was represented by Mr Munro. The Respondents did not participate and were not represented.

### **Case Management Discussion**

4. The Legal member noted that the application had been made in the name of A&N Residential Properties Ltd but that the title deeds, tenancy agreement and landlord registration entry, all identify the owner and landlord as A&N Residential LLP. Following discussion, Mr Munro asked to amend the application to reflect the correct name. The Legal Member allowed the application to be amended.
5. Mr Munro advised the Legal Member that the sum specified in the application form and rent statement is still outstanding and that a payment order is sought for £1350. He stated that there has been no contact from the Respondents since the application was submitted. He referred the Legal Member to the rent statement. This shows arrears of £1500 on the date when the last rent charge was due, 27 April 2021. The tenancy ended on 26 May 2021. Although the Respondents were supposed to have paid a deposit of £450, they only paid £100. This was lodged with Safe Deposit Scotland and has since been repaid to the Applicant and applied to the rent arrears. The Respondents also made a payment to the arrears on 9 August 2021 of £50. They agreed to enter a written repayment arrangement for the remainder of the arrears but did not do so and no further payments have been made.

### **Findings in Fact**

6. The Applicant is the owner and former landlord of the property.
7. The Respondents were the tenants of the property in terms of a private residential tenancy. The tenancy ended on 26 May 2021.
8. The Respondents were due to pay rent at the rate of £450 per month.
9. The Respondents owe the sum of £1350 in unpaid rent to the Applicant.

### **Reasons for Decision**

10. The application was submitted with a private residential tenancy agreement and a rent statement. In terms of the tenancy agreement, rent was due to be paid at the rate of £450 per month. The tenancy ended on 26 May 2021. The Respondents owed the sum of £1500 in unpaid rent at the end of the tenancy. The Applicant recovered the tenancy deposit of £100 and this was applied to the arrears. The Respondents made one further payment to the rent account of

£50 which reduced the arrears to £1350. The Legal Member is satisfied that the Applicant is entitled to a payment order for the sum of £1350.

## **Decision**

- 11.** The Legal Member determines that an order for payment for the sum of £1350 should be granted 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.**



**Josephine Bonnar, Legal Member**

**18 January 2022**