



**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/22/4379**

**Re: Property at Balmuirfield Cottage, Harestane Road, Balmuir, Dundee, DD3 0NU (“the Property”)**

**Parties:**

**Raynor Holdings Limited, Craigmill House, Bridgefoot, Dundee, DD3 0PH (“the Applicant”)**

**Mrs Mandy Sweeney, Balmuirfield Cottage, Harestane Road, Balmuir, Dundee, DD3 0NU (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Sandra Brydon (Ordinary 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 for the sum of £8800 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant seeks a payment order in relation to unpaid rent. A tenancy agreement and rent statement were lodged with the application.
2. The application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 22 March 2023 at 2pm and they were required to participate.
3. The CMD took place on 22 March 2023. The Applicant was represented by Ms Kelly. The Respondent did not participate. Ms Kelly told the Legal Member that the Respondent was still in occupation of the property. She had not responded

to attempts to contact or engage with her and had made no payments to the rent account since the application was lodged. The Legal Member noted that the Applicant had not lodged an updated rent statement or a request to amend the application to reflect the current rent due. The Applicant was advised that a request to amend had to be made in advance of the CMD so that the Respondent could be notified of the request. The Legal Member also noted that an application for an eviction order had recently been accepted and a provisional date scheduled for a CMD. Following discussion, the Applicant asked that the application to be continued to a further CMD so that an updated rent statement could be lodged, and the application dealt with at the same time as the eviction application. The Legal Member determined that the CMD should be adjourned to a later date. The parties were notified that a further CMD would take place on 17 May 2023 at 10am.

4. The CMD took place on 17 May 2023 at 10am. The Applicant was again represented by Ms Kelly, Managing Director. The Respondent did not participate and was not represented.

### **Case Management Discussion**

5. Ms Kelly told the Tribunal that the property appears to have been abandoned at the beginning of April 2023. The neighbour reported this and said that Sheriff Officers and debt collectors have been to his property looking for the Respondent. Ms Kelly has also been to the property. The blinds are down so it is difficult to see through the windows, but the house appears to have been ransacked. There is rubbish in the garden and the bins are full of rubbish. A letter was sent to the Respondent at the property and to her hairdressing business to ask if she had moved out, but there has been no response. Ms Kelly has also phoned the salon but the Respondent refuses to speak to her. She has not returned the keys or confirmed if she has vacated the property.
6. In response to questions from the Tribunal, Ms Kelly said that the sum outstanding is £8800, as shown on the updated rent statement. After the Scottish Government announced an eviction ban, the Respondent stopped paying her rent and has made no payments since September 2022. The deposit paid at the start of the tenancy is still with the deposit scheme as the tenancy has not ended. Ms Kelly confirmed that a payment order is sought for the sum of £8800.

### **Findings in Fact**

7. The Applicant is the owner and landlord of the property.
8. The Respondent is the tenant of the property in terms of a private residential tenancy.

9. The Respondent is due to pay rent at the rate of £1100 per month.
10. The Respondent has failed to pay rent since September 2022.
11. The Respondent owes the sum of £8800 in unpaid rent to the Applicant.

### **Reasons for Decision**

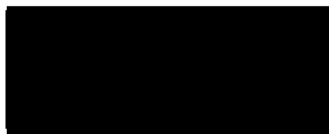
12. The Respondent did not participate in either CMD or advise the Tribunal if the application is disputed. From the information provided at both CMDs by the Applicant, the documents lodged with the application and the updated rent statement, the Tribunal is satisfied that the Respondent has incurred rent arrears of £8800 and that the Applicant is entitled to an order for payment for this sum.

### **Decision**

13. The Tribunal determines that an order for a payment order should be granted against the Respondents.

### **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.**



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**Josephine Bonnar, Legal Member**

**17 May 2023**