



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/0762

Re: Property at 14A Mason Court, Mason Lane, Motherwell, ML1 1YN (“the Property”)

Parties:

Mrs Louise Gilchrist, c/o 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicant”)

Mr Lewis Cameron Brown, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- **Background**

The Application seeks a Payment Order in the sum of £990.00 said to be due by the Respondent to the Applicant as rent arrears. The Application encloses a copy of the Private Residential Tenancy and a rent statement showing the arrears said to be outstanding.

- **The Case Management Discussion**

The Application called for a Case Management Discussion by telephone conference at 2pm on 21 September 2020. A copy of the Application and the details of the Hearing had been served on the Respondent by Advertisement on 17 August 2020. Sheriff Officers had attempted to serve the Application on

the Respondent at his father's address on 8 July 2020 but his father reportedly informed the Sheriff Officers that he no longer lived there and refused to provide any forwarding address or method of contact. The Tribunal therefore considered it was fair to proceed in the absence of the Respondent.

The Applicant was represented by Ms Joanna Smith of Excell Lettings. Ms Smith informed the Tribunal that the Applicant was seeking a Payment Order in the sum of £836.75 on account of a recalculation of the amount due based on the day when the Respondent vacated the Property.

Ms Smith advised the Tribunal that the Respondent had paid a deposit which was protected with an approved deposit scheme but that the Property had been left in a poor condition by the Respondent and all the deposit would likely be required to go towards reinstatement of the Property to its former condition.

- **Findings in Fact**

The Tribunal made the following findings in fact.

- I. There was a Private Residential Tenancy between the parties dated 27 and 28 June 2018.
- II. The Applicant was the landlord and the Respondent was the tenant in respect of this tenancy.
- III. The monthly contractual rent was £495.00 every month.
- IV. The Respondent had fallen into rent arrears.
- V. As at today's Case management Discussion, the sum of £836.75 was contractually due as rent by the Respondent to the Applicant.

- **Reasons for Decision**

Having made the foregoing findings in fact the Tribunal granted the Application.

- **Decision**

The Tribunal therefore made a Payment Order against the Respondent in favour of the Applicant in the sum of £836.75

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.

Andrew McLaughlin

21st September 2020

Legal Member/Chair

Date