

**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/21/1221**

**Re: Property at 97B Foulford Road, Cowdenbeath, Fife, KY4 9AT (“the Property”)**

**Parties:**

**St Andrews Estates, 184 Newry Road, The Factory, Banbridge, Co Down, BT32  
3NB (“the Applicants”)**

**Mr Colin Jones, 97B Foulford Road, Cowdenbeath, Fife, KY4 9AT (“the  
Respondent”)**

**Tribunal Members:**

**Rory Cowan (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 in the sum of £1,564.45 should be  
granted.**

- Background

The Applicants through their representatives lodged an application dated 19 May 2021 seeking a Payment Order for alleged rent arrears (the Application). With the Application, there was lodged the following:

- 1) Copy Lease and AT5;
- 2) Rent Statement;
- 3) Form AT2; and
- 4) Copy communications between the parties.

Following acceptance of the Application a Case Management Discussion (CMD) was scheduled to be heard by way of conference call for 8 September 2021. The date for the CMD was intimated to both the Applicants’ representatives and the Respondent. Neither the Applicants, nor the Respondent appeared and the Application was

dismissed. That decision was recalled by decision dated 27 October 2021 following the Applicants recall requested dated 21 September 2021. Following the decision to recall, a further CMD was fixed for 28 January 2022.

- The Case Management Discussion

The Applicants were represented by Natalie and Jacqueline Welsh of Home In Focus. The Respondent did not appear, nor was he represented. Notwithstanding, the Tribunal was satisfied that the Respondent was aware of the hearing and his requirement to attend or be represented and therefore proceeded in his absence. The Applicants confirmed that the Respondent had vacated the Property on or around 24 November 2021, and that further Housing Benefit payments had been received which reduced the overall liability to £1,564.45. No more payments would be received as the Respondent had vacated the Property and half of the last Housing Benefit payment had to be returned by the Applicants to the local authority. MS Welsh also confirmed that there was no likelihood that any of the secured deposit would be available to be put to the arrears of rent due to the condition of the Property on its return to the Applicants. There being no prejudice to the Respondent in the figure sought being reduced, the Tribunal agreed to amend the sum sought accordingly. Thereafter the Applicants sought a Payment Order in the amended amount.

- Findings in Fact

- 1) The Applicants entered into a lease with the Respondent for the Property which commenced on or around 21 July 2011.
- 2) The initial rent due under the lease was £370 per calendar month.
- 3) The rent was increase in terms of section 24 of the Housing (Scotland) Act 1988 from 21 April 2017 to £375, from 21 April 2018 to £380, from 21 April 2019 to £385 and from 21 April 2020 to £390.
- 4) The Respondent vacated the Property on or around 24 November 2021 leaving arrears of rent amounting to £1,564.45.
- 5) The Applicants are entitled to a Payment Order against the Respondent in the sum of £1,564.45.

- Reasons for Decision

The Respondent having failed to pay the rent due under the tenancy for the Property and has accrued arrears of rent in the sum of £1,564.45 as at the date he vacated the Property.

- Decision

That Payment Order in the sum of £1,564.45 be issued in favour of the Applicants.

## **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.**

Rory Cowan

28 January 2022

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Legal Member/Chair

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Date