



**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/21/1324**

**Re: Property at 5a Shillinghill, Alloa, FK10 1JT (“the Property”)**

**Parties:**

**Mr Brian Scott McMeechan, 82 Keilarsbrae, Sauchie, FK10 3NH (“the Applicant”)**

**Mr William Raida, 5a Shillinghill, Alloa, FK10 1JT (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondent for £3750 (THREE THOUSAND SEVEN HUNDRED AND FIFTY POUNDS)**

**Background**

1. An application was received by the Housing and Property Chamber dated 1<sup>st</sup> June 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 27<sup>th</sup> July 2021 all parties were written to with the date for the Case Management Discussion (“CMD”) of 31<sup>st</sup> August 2021 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 17<sup>th</sup> August 2021.

### The Case Management Discussion

3. A CMD was held 31<sup>st</sup> August 2021 at 2pm by teleconferencing. The Applicant was represented by Mrs Anne Johnstone, Norwood Central UK Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
4. The application was erroneously lodged under Rule 70. As this is a Private Rented Tenancy the correct rule is Rule 111. Mrs Johnstone moved for it to be changed to Rule 111. The Tribunal was satisfied that this was not prejudicial and accordingly made the change to Rule 111.
5. Mrs Johnstone submitted that the Respondent remained in the Property. A Notice To Leave has been served upon the Respondent. This will expire in December 2021. There are no Universal Credit issues as the Respondent has been working. The Respondent submitted bank account statements to the Applicant which illustrated that he was working. Mrs Johnstone believes that the Respondent is subletting the Property without consent. The Respondent had notified the Applicant that he was to leave the Property. He contacted Mrs Johnstone's office on 30<sup>th</sup> July 2021 to advise that he would not be leaving the Property. This is the last contact she has had with him. She noted that she has sent out the Pre Action Requirements twice to him which had advice on financial services that may assist him. There have been no payments since October 2020. Mrs Johnstone sent the Housing and Property Chamber an email on 16<sup>th</sup> August 2021 stating the increased amount of arrears to £3750. This was sent to the Respondent. The Tribunal was satisfied that the Respondent had sufficient notice of the increase. The current arrears stand at £4125 as a payment was not made on 26<sup>th</sup> August 2021.
6. The Tribunal was satisfied that the outstanding amount for £3750 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

### Findings and reason for decision

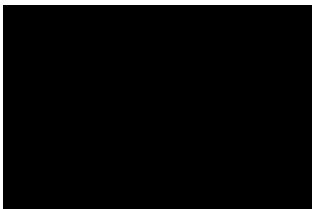
7. A Private Rented Tenancy Agreement commenced 26<sup>th</sup> March 2019.
8. The Respondent persistently failed to pay his rent charge of £375 per month. The rent payments are due to be paid on 26<sup>th</sup> day of each month.
9. There are no outstanding Housing Benefit issues.
10. The arrears sought total £3750.

### Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £3750.

### **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.**



**31<sup>st</sup> August 2021**

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**Legal Member/Chair**

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**Date**