



**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/21/3106**

**Re: Property at 1/2 12 Ritchie Street, Millport, KA28 0AL (“the Property”)**

**Parties:**

**Mr Douglas Murray, 4 Woodside, Houston, PA6 7DD (“the Applicant”)**

**Mr Jason Neil, 1/2 12 Ritchie Street, Millport, KA28 0AL (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal 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 should be granted in favour of the Applicant in the sum of £780**

**Background**

1. This is an application received on 14<sup>th</sup> December 2021 seeking an order for payment under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant was seeking an order for payment in the sum of £1040 in respect of rent arrears. The Applicant’s representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property that commenced on 22<sup>nd</sup> February 2021 at a monthly rent of £260, together with a rent statement. The tenancy ended on 30<sup>th</sup> November 2021.
2. Notification of the application and Case Management Discussion set down for 3<sup>rd</sup> March 2022 was served by Sheriff Officers on the Respondent on 26<sup>th</sup> January 2022.

**Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 3<sup>rd</sup> March 2022. The Applicant was in attendance and was represented by Mr Lee of Be-Rented Ltd. The Respondent was not in attendance.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.
5. Mr Lee moved the Tribunal to grant an order in the amended sum of £780, as the deposit of £260 had been returned to the Applicant by the tenancy deposit scheme. There has been no contact from the Respondent. The Applicant had tried to encourage the Respondent to enter into a payment plan to no avail.

### **Findings in Fact and Law**

6.
  - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 22<sup>nd</sup> February 2021 at a monthly rent of £260. The tenancy ended on 30<sup>th</sup> November 2021.
  - ii. Rent lawfully due in terms of the tenancy agreement was not paid by the Respondent.
  - iii. The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

7. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

### **Decision**

8. An order for payment is granted in favour of the Applicant in the sum of £780.

### **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.**

**H. F**

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**Legal Member/Chair**

**3<sup>rd</sup> March 2022**  
**Date**