



**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/22/2639

**Re: Property at 84 Ayr Drive, Airdrie, North Lanarkshire, ML6 9XG (“the
Property”)**

Parties:

**Mrs Kirsty McCulloch, 1 Kidston Gardens, Rhu Road Higher, Helensburgh, G84
8JS (“the Applicant”)**

**Mr Jamie John Allison (also known as Jamie John Murray), formerly residing
at 84 Ayr Drive, Airdrie, ML6 9XG and whose whereabouts are currently
unknown (“the Respondent”)**

Tribunal Members:

Josephine Bonnar (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 for the sum of £2293.56 should
be granted against the Respondent in favour of the Applicant.**

Background

1. The Applicant seeks an order for payment in relation to unpaid rent. A tenancy agreement and rent statement were lodged in support of the application.
2. A copy of the application and supporting documents was served on the Respondent by advertisement on the Chamber website as the Respondent’s whereabouts are unknown. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 13 March 2023 at 10am by telephone case conference and that they were required to participate.

3. The CMD took place at 10am on 13 March 2023. The Applicant participate and was represented by Mr McKeown. The Respondent did not participate and was not represented.

The CMD

4. Mr McKeown told the Legal Member that there has been no contact from the Respondent and his address is still unknown. He referred to the rent statement lodged with the application and stated that it contains an error. Although the Respondent vacated the property on 20 January 2022, the 28 day notice period had been calculated from 22 January 2022. He stated that the Applicant seeks a payment order for the amended sum of £2293.56. In response to questions from the Legal Member Mr McKeown said that the whole deposit of £595 was recovered from the Deposit Scheme. However, this was applied to the cost of re-instating the property because of damage caused by the Respondent.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the former tenant of the property.
7. The Respondent was due to pay rent at the rate of £595 per month.
8. The Respondent vacated the property on 20 January 2022. The tenancy ended 28 days later.
9. The Respondent owes the sum of £2293.56 in unpaid rent to the Applicant.

Reasons for Decision

10. From the information provided at the CMD and the documents lodged with the application, the Legal Member is satisfied that the Respondent incurred rent arrears of £2293.56 prior to the tenancy ending on 17 February 2022. No payments have been made to the rent account since that date. The Applicant recovered the deposit of £595 and applied this to the cost of re-instating the property at the end of the tenancy. The Legal Member is satisfied that the Applicant is entitled to an order for payment for the sum of £2293.56.

Decision

11. The Tribunal determines that an order for a payment order should be granted against the Respondent.

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.



Josephine Bonnar, Legal Member

13 March 2023