

**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/22/4421**

**Re: Property at Flat 6-1, 21 Randolph Gate, Jordanhill, Glasgow, G11 7DQ ("the Property")**

**Parties:**

**Mrs Debra Rice, Mr John Rice, Ellanbank, Balmoral Road, Blairgowrie, Perthshire, PH10 7AF; Ellanbank, Balmoral Road, Blairgowrie, Perthshire, PH10 7PF ("the Applicant")**

**Mr Andrew Cairns, 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") made a Payment Order against the Respondent in favour of the Applicants in the sum of £6,618.10**

**Background**

The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondent under a tenancy between the parties.

The Application is accompanied by a copy of the tenancy agreement between the parties and rent statements.

## **Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 2 August 2023. The First Applicant, Mrs Rice, was present along with the Applicants' representative, Ms Duncan of DJ Alexander. There was no appearance by or on behalf of the Respondent. The Respondent's whereabouts could not be located and permission was granted for service of the Application and information about how to join the CMD to be effected by means of advertisement on the Tribunal's website. This having been done, the Tribunal decided to proceed in the absence of the Respondent.

Having heard from Ms Duncan and having considered the documentation, the Tribunal made the following findings in fact.

## **Findings in fact**

- I. The parties entered into a tenancy agreement whereby the Applicants let the Property out to the Respondent by virtue of a Private Residential Tenancy;
- II. The Respondent fell into rent arrears;
- III. The Applicant raised previous proceedings for Eviction and a Payment Order with these Applications being successfully granted;
- IV. There were further rent arrears accrued by the Respondent in the sum of £6,618.10 that post-date the previous award of a Payment Order and which were accrued until the Respondent actually vacated the Property.

## **Decision**

Having made the above findings in fact, the Tribunal made a Payment Order against the Respondent in favour of the Applicants in the sum of £6,618.10

## **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**

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Legal Member/Chair

**2 August 2023**  
Date