



**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/21/2634

Property at Ground Right 36 Gateside Street, Largs, KA30 9JL (“the Property”)

Parties:

Acre Lettings Limited, 6 Stanlane Place, Largs, KA30 8DA (“the Applicant”)

Mr Scott Adams, 33 Sharon Street, Dalry, KA24 5DR (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £1783.52 should be granted against the Respondent in favour of the Applicant.

Background

- 1. The Applicant lodged an application for a payment order in relation to unpaid rent. A copy tenancy agreement and rent statement were lodged in support of the application.**
- 2. A copy of the application was served on the Respondent by Sheriff Officer on 24 December 2022. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 27 January 2022 at 2pm by telephone conference call and that they were required to participate. They were provided with a telephone number and passcode.**
- 3. The CMD took place at 2pm on 27 January 2022. The Applicant was represented by Ms Bell. The Respondent did not participate and was not represented. Ms Bell advised the Legal Member that the Respondent had**

vacated the property on 17 December 2021. The Legal Member noted that the application had been served at the property after this date and determined that the CMD should be adjourned to a later date to allow for service on the Respondent.

4. Following the CMD Ms Bell submitted a positive trace report from a Sheriff Officer which provided a new address for the Respondent. The Tribunal instructed service of the application at this new address. The Sheriff Officers attended at the address and established from enquires that the Respondent no longer resided there. They managed to obtain a new address and the application was served personally on the Respondent on 21 February 2022. Both parties were notified that a CMD would take place by telephone conference call on 21 April 2022 at 2pm and that they were required to participate.
5. On 27 January 2022 the Applicant submitted a request to amend the application to the sum of £2148.52, being the rent due at the end of the tenancy. An updated rent statement was also lodged. Shortly before the CMD the Applicant submitted a further rent statement showing a final sum due of £1783.52.
6. The CMD took place by telephone conference call on 21 April 2022 at 2pm. The Applicant was represented by Ms Bell. The Respondent did not participate and was not represented.

Case Management Discussion

7. Ms Bell referred the Legal Member to the rent statements. She said that the Applicant recovered the tenancy deposit of £365 and this has been applied to the rent arrears. This reduced the arrears to £1783.52. Ms Bell advised the Legal Member that the property was recovered on 17 December 2021. Neighbours reported that the Respondent had moved out. They checked the property and found it to be unoccupied. The keys had been posted through the letterbox. The agent contacted his next of kin who confirmed that he had moved out and said that she would ask him to contact them and arrange to repay the arrears. However, there has been no contact and no payments. Ms Bell confirmed that the Applicant seeks a payment order for the sum of £1783.52.

Findings in Fact

8. The Applicant is the owner and landlord of the property.
9. The Respondent was the tenant of the property in terms of a private residential tenancy. The tenancy ended on 17 December 2021 when the Applicant recovered possession of the property.
10. The Respondent was due to pay rent at the rate of £365 per month.
11. The Respondent owes the sum of £1783.52 in unpaid rent to the Applicant.

Reasons for Decision

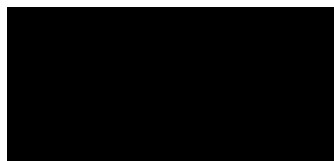
12. The application was submitted with a private residential tenancy agreement and a rent statement. Updated rent statements were submitted prior to the CMD. In terms of the tenancy agreement, rent was due to be paid at the rate of £365 per month. The Respondent vacated the property owing the sum of £2148.52 in unpaid rent. The Applicant recovered the tenancy deposit of £365 which was applied to the arrears, leaving a balance owing of £1783.52. The Respondent has not contacted the Applicant or made any payments to the arrears since the tenancy ended. The Legal Member is satisfied that the Applicant is entitled to a payment order for the sum of £1783.52.

Decision

13. The Legal Member determines that an order for payment for the sum of £1783.52 should be granted in favour of the Applicant.

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

21 April 2022