



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/23/1530

Re: Property at Rottenrow Flat, Crosshands, By Mauchline, Ayrshire, KA5 5TN (“the Property”)

Parties:

Mr Neville Washington, Rottenrow Farm, Crosshands, By Mauchline, Ayrshire, KA5 5TN (“the Applicant”)

Mr Gary Dunnery, 15B Belvidere Terrace, Ayr, KA8 8JB (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order against the Respondent in favour of the Applicant in the sum of £2,401.09.

Background

[2] The Applicant seeks a Payment Order in the sum of £2,401.09 for rent arrears and other expenses said to be lawfully due to the Applicant by the Respondent under a tenancy between the parties. The additional costs include the costs of making good damage to the Property and electricity and fuel costs due to the Applicant but unpaid by the Respondent.

Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 11:30 am on 17 October 2023. The Applicant was personally present. The Respondent was neither present nor represented. The Application and information about how to join the CMD had been served on the Respondent by Sheriff Officers. The Tribunal accordingly decided to proceed with the CMD in the Respondent's absence.

[4] Having heard from the Applicant and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties had entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement;*
- II. *The Respondent lawfully owes the Applicant the sum of £2,401.09 which is comprised of arrears of rent, fuel costs and the costs of making good damage to the Property.*
- III. *The Respondent has failed to engage with the process and there is no defence to the Application before the Tribunal.*

Reasons for Decision

[5] Having made the above findings in fact, The Tribunal granted the Application and made a Payment Order against the Respondent in favour of the Applicant in the sum of £2,401.09.

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.

A. McLaughlin

17 October 2023

Legal Member/Chair

Date