



**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/23/2188**

**Re: Property at Old Smiddy Cottage, Glencarse, PH2 7LX (“the Property”)**

**Parties:**

**Morris Young Leslie, c/o Morris Leslie Partnership, Errol Airfield, Errol, Perth, PH2 7TB (“the Applicant”)**

**Mr Roddy Whannel Angus, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £15,850.00 is payable by the Respondent to the Applicant.**

1. An application was made for a Payment Order under Rule 111 in respect of rent arrears.
2. The Applicant is the owner of the property. The Respondent was the tenant.
3. A Case Management Discussion was held remotely by telephone on 1 December 2023.
4. The Applicant was represented by Miss Currie, instructed by Blackadders LLP. The Respondent was not present or represented. The Respondent has failed to engage with the application in anyway and has not made contact with HMCTS. I waited until 10:10 am and decided to proceed in the Respondent’s absent, having regard to the overriding objective and because it was fair and just to do so.
5. The Respondent entered into a tenancy agreement which specifies that £450 is due in respect of rent each calendar month payable in advance.

6. It is not disputed that the Respondent owes the Applicant, at the time of making the application, the sum of £15, 850 in respect of unpaid rent. The rent statement is referred to for its terms.
7. Miss Currie made an application to amend the sum from £15,850 to £16,759.59. An amended rent payment schedule was submitted today. I drew attention to the rules which require notice of no less than 14 days to be given to any amendment. As 14 days' notice had not been given, Miss Currie was given an opportunity to continue the Case Management Discussion until a later date to allow service to be effected. Miss Currie decided to proceed by asking me to grant a Payment Order in the sum of £15,850. I am satisfied that this sum had been served on the Respondent more than 14 days ago.
8. The Respondent moved out of the property on 6 July 2023. Rent arrears have accrued since 2020. The Respondent has made some attempts to make payment however these have been minimal, bearing in mind the substantial amount of arrears owed over a lengthy period. The arrears have been accruing since 2020. The Applicant has made a number of agreements with the Respondent to meet the arrears within a reasonable timescale and has failed to adhere to these agreements.
9. Having considered all of the information individually and together, I am satisfied that the Respondent has accrued rent arrears in the sum of £15,850 as at the date of application and accordingly, I have decided to grant an Order for Payment in that sum.

## **CONCLUSION**

10. The Respondent owes the Applicant the sum of £15,850.

## **DECISION**

A Payment Order is granted requiring the Respondents to pay the Applicant the sum of £15,850.

## **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.**



\_\_\_\_\_  
**Legal Member**

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**1 December 2023**  
**Date**