



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 (“The Act”)

Chamber Ref: FTS/HPC/CV/23/1499

Re: Property at 118 Cullen Park, Cullen Drive, Glenrothes, Fife, KY6 2JL (“the Property”)

Parties:

Mr Gary Payne, 89 Otley Old Road, Leeds, LS16 6HG (“the Applicant”)

Ms Claire Cook, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in the sum of £12,646.15

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Background

[2] 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 and a rent statement.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 29 November 2023. The Applicant was personally present. The Respondent's current whereabouts could not be reasonably ascertained. The Tribunal had previously granted permission for service of the Application to be effected on the Respondent by means of advertisement on the Tribunal's website. That had also then been effected. The Respondent was not present. The Tribunal decided to proceed in the absence of the Respondent.

[4] The Tribunal discussed all aspects of the Application with the Applicant. Having done so, the Tribunal made the following findings in fact.

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent;*
- II. *The Respondent fell into rent arrears;*
- III. *The Respondent has not paid any rent since February 2022;*
- IV. *The Respondent is currently in rent arrears in the sum of £12,646.15. This sum is lawfully due to the Applicant by the Respondent but remains unpaid.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £12,646.15.

Right of Appeal

[6] **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

29 November 2023

Date