



**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 2026
Chamber Ref: FTS/HPC/CV/24/0105**

Re: Property at 5 Townhead Court, Strathaven, ML10 6AU (“the Property”)

Parties:

Ms Alison Taylor, Mr Andrew Taylor, 14 Smithycroft, Hamilton, ML3 7UL (“the Applicant”)

Mr John Donnelly, 5 Townhead Court, Strathaven, ML10 6AU (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant a Payment Order in favour of the Applicants against the Respondent in the sum of £4,890.00.

INTRODUCTION

1. This is an application under Section 71 of the Private Housing (Scotland) Act 2016 for a Payment Order because of rent arrears.
2. The Applicants are the Landlords and owners of the property. The Respondent is the Tenant. They entered into a Private Tenancy Agreement whereby the Respondent agreed to pay rent of £595 each calendar month, payable in advance.
3. The Applicant asserts that the Respondent has accrued rent arrears in the sum of £5,485.00 as amended on 24 May 2024. The period of notice required for an amendment is 14 days, which has not been given. This means that the rent arrears figure as properly notified to the Respondent is £4,890.00.
4. A two-member Case Management Discussion took place at 10.00 am on 3 June 2024 by teleconference. The Applicants joined the hearing.

5. The Respondent has failed to engage with the application. We waited until 1010am. We decided to continue with the hearing his absence after satisfying ourselves that the papers had been properly served on him, that he was notified of today's CMD and having regard to the overriding objective, it was fair and just to do so.
6. Mr Taylor informed us that rent arrears started to accrue almost from the outset. The last payment was made on 14 December 2023. The Respondent has made a number of agreements to pay the arrears and has failed to do so.
7. No information is known about the Respondent other than he uses the property himself and has no children living there. His children are adults. Mr. Taylor understood that the Respondent was a self-employed roofer and was in hospital for a short time but other than that, knows little about him.
8. Having considered all of the information, individually and together, we were satisfied that the Applicants are entitled to the payment of £595.00 per calendar month and that significant rent arrears have accrued over a significant period of time. The amount of rent arrears totals £4,890.00. The Respondent has expressed no intention of paying that sum.
9. We have not allowed recovery of the utility bills as they were not part of the Tenancy Agreement, were in the Applicants' names and no vouching has been provided.

CONCLUSION

10. An Order for Payment is granted.

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.

L Mulholland

Legal Member/Chair
Date 3 June 2024