



**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 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/24/4222**

**Property at 2A New Trows Road, Lanark, ML11 0EW (“the Property”)**

**Parties:**

**Mr Richard Coventry, Flat 1/2, 2 Lilybank Terrace, Glasgow, G12 8RX (“the Applicant”)**

**Mr James Muir, 2A New Trows Road, Lanark, ML11 0EW (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (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 that an order for payment of the sum of £5950 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 tenancy agreement and rent statement were lodged with the application. A related application for an eviction order was also submitted.
2. A copy of the application was served on the Respondent by Sheriff Officer and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 9 April 2025 at 10am and that they were required to participate. Prior to the CMD, the Applicant lodged an updated rent statement and request to amend the application to reflect the increased arrears of rent.
3. The CMD took place on 9 April 2025. The Applicant was represented by Mr Fairbridge. The Respondent did not participate.

## **Summary of Discussion at CMD**

4. The Legal Member noted that the updated rent statement had not been lodged until 4 April 2025 and had only been sent by post to the Respondent by the Tribunal on 7 April. Submissions and amendment requests are usually required to be lodged 7 days before the CMD. Mr Fairbridge advised the Tribunal that the letting agent issues an updated rent statement to the Respondent each month and he is therefore fully aware of the current level of arrears. The Tribunal confirmed that the updated statement would be allowed and also allowed the application to be amended.
5. Mr Fairbridge told the Tribunal that the Respondent is still in occupation of the property. His partner, his son and his son's partner are also living there. The arrears are now £5950. The only information that the Applicant has received about the reason for the arrears is the letter lodged with the application. In this, the Respondent advised the letting agent that he had lost his job, had some problems with HMRC and hoped to sort out the arrears. Although the letting agent has made extensive efforts to engage with the Respondent, there has been no further communication from him. In response to questions from the Tribunal Mr Fairbridge said that the Respondent is estimated to be in his late forties or early fifties. The Applicant has no knowledge of any health issues although he mentioned mental health problems in the letter to the letting agent. The Applicant does not know if the Respondent is in working or if he has claimed (or is in receipt of) any benefits. It is not known whether the Respondent has approached the Local Authority for re-housing. Mr Fairbridge told the Tribunal that the Applicant has a dental practice next door to the property. As indicated in the paperwork submitted with the application, he has decided not to re-let the property when it becomes vacant.

## **Findings in Fact**

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent is due to pay rent at the rate of £425 per month.
9. The Respondent has been in arrears of rent since December 2023. No payments have been made to the rent account since March 2024.
10. The Respondent currently owes the sum of £5950 in unpaid rent.
11. The Applicant has issued information to the Respondent in compliance with the Rent Arrears Pre action Protocol.

12. The Respondent has not responded to efforts made by the Applicant's agent to contact him about the arrears

### **Reasons for Decision**

13. Based on the documents submitted with the application, prior to the CMD and the information provided at the CMD, the Tribunal is satisfied that the Respondent has incurred rent arrears of £5950 and that the Applicant is entitled to a payment order for this sum.

### **Decision**

14. The Tribunal determines that a payment order should be granted against the Respondent.

### **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**

**9 April 2025**