



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)**

**Chamber Ref: FTS/HPC/CV/24/5071**

**Re: Property at 15 Old School Flats, Bridge of Weir, PA11 3BN (“the Property”)**

**Parties:**

**Mr Martin Newlands, Frances Newlands, 100 Olearia Drive, Howden, 7054, Tasmania, Australia; 100 Olearia Drive, Howden 7054, Tasmania, Australia (“the Applicant”)**

**Mr Gary Anderson, 22 Skye Street, Greenock, PA16 7JQ (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal 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 by the Respondent in the sum of £1,616.68 should be made in favour of the Applicant.**

**Background**

1. By application received on 4 November 2024, the Applicant applied to the Tribunal for an order for payment of rent arrears of £1,616.68 against the Respondent. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and a rent statement.
2. Following initial procedure, on 21 January 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion (“CMD”) was fixed for 15 July 2025. The application and details of the CMD fixed were served on the Respondent by

Sheriff Officer on 16 April 2025. In terms of said notification, the Respondent was given an opportunity to lodge written representations. No representations were lodged prior to the CMD.

### **Case Management Discussion**

4. The CMD took place by telephone conference call on 15 July 2025 at 10am. It was attended only by the Applicant's representative, Mr Barry Lind of Lind Letting. The Respondent did not attend. The Tribunal delayed the commencement of the CMD for 5 minutes to allow an opportunity for the Respondent to join late but he did not do so.
5. Following introductions and introductory remarks by the Legal Member, Mr Lind confirmed that the Respondent had moved out of the Property and confirmed he was moving back in with his parents. They had tried contacting him to try and enter a payment plan to resolve the outstanding rent arrears but he did not engage with them and emails 'bounced back', etc. They have not had any contact with him since he vacated. The Applicant is looking to recover the sum sought in the application from the Respondent. Mr Lind confirmed that no further payments were made towards rent after the last payments shown on the rent statement dated 18 July 2024 which was lodged with the application, either from the Respondent himself or from the DSS. Mr Lind said that he was not sure what the Respondent's benefits situation was as there had been complaints that he was working on cars around the tenancy property. As to the tenancy deposit of £475, Mr Lind explained that this was recovered by the landlord and was used to bring the Property back up to standard after the Respondent moved out. There was no balance left over to put towards the rent arrears. Mr Lind confirmed that an order in the sum of £1,616.68 was accordingly sought.
6. The Legal Member, having considered the application, confirmed that a payment order in the sum sought would be granted. It was also agreed that an amendment be made to the Property address stated in the Tribunal paperwork to reflect that the postal town of the Property is "Bridge or Weir". Mr Lind was thanked for his attendance and the CMD concluded.

### **Findings in Fact**

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 1 June 2020.
3. The tenancy ended on 14 July 2024 when the Respondent vacated.
4. The rent due in respect of the tenancy was £475 per calendar month.

5. There was a background of rent arrears in respect of the tenancy and rent arrears amounted to £1,616.68 at the end of the tenancy.
6. The last payment towards rent was £500 made by the Respondent on 7 April 2024.
7. No further payments were made towards the rent account after 7 April 2024, either from the Respondent direct or via benefits.
8. The arrears currently owing still amount to £1,616.68.
9. The Applicant's letting agents have sought to engage with the Respondent throughout the tenancy concerning the rent arrears and also after he vacated the Property.
10. The Respondent has not engaged with the Applicant's agents regarding the arrears situation since he vacated the Property in July 2024.
11. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
12. The Respondent did not submit any representations nor attend the CMD.
13. The sum of £1,616.68 is due and resting owing to the Applicant by the Respondent in respect of unpaid rent arising from this tenancy.

### **Reasons for Decision**

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, particularly the tenancy agreement and rent statement and the further oral information provided at the CMD by the Applicant's representative.
2. The Tribunal found that the application was in order and that the original sum of £1,616.68 sought in terms of this application was owing by the Respondent in respect of rent arrears.
3. The Tribunal did not have any material before it to contradict the Applicant's position or to indicate that the Respondent was opposing the application. The Tribunal was satisfied that the Respondent had been served with the Tribunal documentation by Sheriff Officer and that this had been served timeously. The Respondent is thus aware of the application and has chosen not to enter into the Tribunal process. The Tribunal accordingly determined that an order for payment in the above sum could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.

## **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.**

# N Weir

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Legal Member/Chair

15 July 2025  
Date