



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/25/4968**

**Re: Property at 49 Millgate Loan, Arbroath, DD11 1PG (“the Property”)**

**Parties:**

**Mr Gavin Murray, Mrs Joyce Murray, 2 John Allan Place, Arbroath, DD11 4GT; 40 Patrick Allan Fraser Street, Arbroath, DD11 2LX (“the Applicant”)**

**Mr Lorand Lezsak, 49 Millgate Loan, Arbroath, DD11 1PG (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member) and Sandra Brydon (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it would grant a payment order for EIGHT THOUSAND ONE HUNDRED POUNDS (£8,100.00) STERLING.**

**Background**

1. Two applications were made under Rule 111 and 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment and an order for recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.
2. The applications contained: -

- a. the tenancy agreement,
  - b. the notice to leave with evidence of service
  - c. section 11 Notice with evidence of service
  - d. rent statement
  - e. letters to the tenant about rent arrears
3. A case management discussion took place on 9 March 2026. In attendance was the applicant. Notice of the Case Management Discussion had been made by the sheriff officers. The respondent did not appear. The tribunal was prepared to proceed in their absence, given they had notice of the Case Management Discussion.

#### Discussion

4. The agent advised that she sought an eviction order under ground 12 - 3 months' rent arrears and an order for payment of £8,100. There were at least 3 months' rent arrears as at the date of the notice to leave being served: at that date, the arrears were £4950. The notice to leave was served on 10 May 2025, and it had expired on 11 June 2025. The current situation as of March 2026 was that arrears were £10,200.
5. The applicant had written, texted and visited the respondent. The respondent was aware of the rent arrears. The respondent had advised that he did not intend to pay the rent or repay the arrears during the last visit to the Respondent on around August 2025. The rental is £525 per month. They had submitted a copy of the tenancy agreement and also a rent statement.
6. The applicant sought a payment order for £8,100.

#### Findings in Fact

7. The Tribunal found the following facts established: -
8. There existed a private residential tenancy.
9. The tenant was Lorand Lezsak.
10. The landlord was Gavin Murray and Joyce Murray.
11. The property was 49 Millgate Loan, Arbroath.
12. It had commenced on 15 June 2020.
13. The tenancy stated that rent was £525 a calendar month payable in advance.
14. When the applicant was made in October 2025, the rent arrears were £8,100.
15. The rent arrears as at March 2026 were £10,200.
16. There were arrears on the rent account since at least September 2021.
17. The last payment to rent was made on February 2025.
18. The respondent had regularly failed to pay their rent and arrears. The arrears had been steadily accruing. The respondent had failed to enter into a repayment arrangement with the landlords

### Reasons for Decision

19. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies. Liability for failure to pay contractual rent is such a matter arising out of that contract.
20. The applicant's agent confirmed that they sought an order for payment. They had provided a copy of the tenancy agreement. The arrears were at least £8,100 as at 9 March 2026. The rent statement was provided in support of the application. It showed how the arrears had accrued. There were no proposals to repay the arrears. The sum appeared due. The tribunal was prepared to make an order for payment.

### Decision

21. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it would grant a payment order for EIGHT THOUSAND ONE HUNDRED POUNDS (£8,100.00) STERLING.

### **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/Chair**  
Melanie Barbour

**Date 9<sup>th</sup> March 2026**