



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/1231

**Re: Property at 1 Greenside, Bourtreehill North, Irvine, KA11 1LP (“the
Property”)**

Parties:

**Miss Mary Patricia Ryan, 4 Lyle House, Maidenhatch, Pangbourne, RG8 8HL
 (“the Applicant”)**

**Miss Angela Thomson, 1 Greenside, Bourtreehill North, Irvine, Ayrshire, KA11
1LP (“the Respondent”)**

Tribunal Members:

Lesley-Anne Mulholland (Legal 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 the sum of £1,362.20.**

BACKGROUND

1. On 20 May 2021 an application was made for a Payment Order in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Application for civil proceedings in relation to a Private Residential Tenancy). I am satisfied that Section 71 of the Private Housing Tenancies Scotland Act 2016 provides jurisdiction to me to deal with this matter.

2. The application for a payment order represented rent arrears accrued from January 2020 to March 2021 in the sum of £1,362.20.
3. The Applicant is the proprietor and landlady of the property at 1 Greenside, Bourtreehill North, Irvine, KA11 1LP. The Respondent is the tenant.
4. I have considered the application, alongwith all accompanying papers, including the tenancy agreement and schedule of rent payments and arrears.
5. A Case Management Discussion (CMD) took place remotely by teleconference today. The Applicant attended the discussion. The Respondent did not. I considered the Certificate of Service and enclosures served by Sheriff Officers on 11 June 2021. I am satisfied that the Respondent has been properly notified of the application and of today's CMD. The Respondent has failed to engage with the application in any way. I decided to proceed in her absence as it was fair and just to do so. I was satisfied that I could decide the application at the Case Management Discussion as Rule 17(4) permits.
6. There was no apparent difficulty with sound or connectivity issues. I am grateful to those present which allowed the Case Management Discussion to proceed remotely during the current pandemic. I am satisfied those taking part in the discussion had a reasonable opportunity to put their points across and that the Case Management Discussion was fair. No complaint about the lack of effective participation caused by the remote hearing was brought to my attention.
7. On 21 December 2012 the Parties entered into a Tenancy Agreement to rent the property for the sum of £425 per calendar month.
8. The Respondent has accrued rent arrears from January 2020 to 19 May 2021 in the sum of £1,362.20 as per schedule attached to the application.
9. The Respondent is in breach of the terms of the agreement by failing to pay rent when due. The Respondent has had rent arrears for a considerable period of time. Since January 2020 she has underpaid rent every month with the exception of April 2020, February 2021 and March 2021. In April 2020 the Respondent paid rent of £544.38. Despite the overpayment of that months' rent liability, the arrears stood at £119.38. By the end of December 2020, the Respondent had accrued rent arrears of £836.82. The Respondent made an overpayment of rent in February 2021 but that still left arrears of £323.49 for the year 2021. In March 2021 she paid £462.91 towards rent leaving arrears of £360.91 for year 2021. She did not make any payment for April or May 2021.

Accordingly, between January 2020 and May 2021 the Respondent has accrued rent arrears of £1,362.20.

10. The Respondent has delayed excessively in trying to resolve this matter in any satisfactory way. As at the date of the CMD, the Respondent had failed to put forward any proposal to meet the sums due.

11. Having Considered all the papers before me, along with the submissions by the Applicant, I decided that it was reasonable to grant a Payment Order in the sum of £1,362.20 representing rent arrears for the period from January 2020 to May 2021.

Decision

The Respondent has to pay the Applicant the sum of £1,362.20 within 14 days of the date of this decision.

L. M

_____ 16 July 2021

Legal Member

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. M

_____ 16 July 2021

Legal Member

Date

