



**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/21/1481**

**Re: Property at 19 Highburgh Avenue, Lanark, ML11 7DS (“the Property”)**

**Parties:**

**Miss Stacey MacDougall, 7 Albany Mews, Albany Road, London, SE5 0DQ (“the Applicant”)**

**Mr David Gray, 1 Forrest Road, Lanark, ML11 7AY (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order of payment from the Respondent for £3643.19 (THREE THOUSAND SIX HUNDRED AND FORTY THREE POUNDS AND NINETEEN PENCE)**

**Background**

1. An application was received by the Housing and Property Chamber dated 16<sup>th</sup> June 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 27<sup>th</sup> July 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) of 30<sup>th</sup> August 2021 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 17<sup>th</sup> August 2021.

3. On 27<sup>th</sup> July 2021, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent. This was left in his father's hands. This is evidenced by Certificate of Citation dated 24<sup>th</sup> December 2019.

### The Case Management Discussion

4. A CMD was held by teleconferencing on 30<sup>th</sup> August 2021 at 2pm. The Applicant was represented by Mrs Lynne Bridges from S and J Properties Letting Ltd. The Applicant was not present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
5. Mrs Bridges told the Tribunal that there had been no contact since the Respondent left the Property on 1<sup>st</sup> April 2021. The outstanding arrears are £3643.19 which is the amount sought in the application. Mrs Bridges was not aware of any outstanding Universal Credit Housing Element issues. The Respondent told Mrs Bridges company that he had lost his job and was to apply for Universal Credit but no payments materialised. Mrs Bridges said her company tried to get direct Universal Credit payments but this was refused by the DWP. Mrs Bridges was not aware of any issues of reasonableness. The last contact with the Applicant was when he returned his keys on 1<sup>st</sup> April 2021.

### Findings and reason for decision

6. A Private Rented Tenancy Agreement commenced 14<sup>th</sup> February 2020.
7. The Respondent persistently failed to pay his rent charge of £475 per month. The rent payments are due to be paid on 14<sup>th</sup> day of each month.
8. There are no outstanding Universal Credit Housing Element issues.
9. The arrears sought total £3643.19 which was consisted of outstanding rent arrears

### Decision

10. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £3643.19

### **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.**

Gabrielle Miller

**30<sup>th</sup> August 2021**

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**Legal Member/Chair**

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**Date**