



**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/22/0754**

**Property at 37 Millford Drive, Linwood, PA3 3EJ (“the Property”)**

**Parties:**

**HUB (Scotland) Ltd, Cedar Lodge, Kings Road, Johnstone, PA5 9HW (“the Applicant”)**

**Mr Phillip Clark, 58 High Street, Auchterarder, PH3 1BN (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for the sum of £3060 should be granted against the Respondent in favour of the Applicant.**

**Background**

- 1. The Applicant seeks an order for payment in relation to unpaid rent. A copy of a private residential tenancy, rent statement and trace report from Walker Love Sheriff Officers were lodged in support of the application.**
- 2. A copy of the application was served on the Respondent by Sheriff Officer on 14 July 2022. Both parties were advised that a case management discussion (“CMD”) would take place by telephone conference call on 17 August 2022 at 2pm and that they were required to participate. They were provided with the telephone number and passcode. The CMD took place at 2pm on 17 August 2022. Neither party participated.**
- 3. The Legal Member determined that the CMD should be adjourned to a further date. Both parties were notified that a CMD would take place by telephone**

conference call on 2 November 2022 at 2pm. The CMD took place on this date. The Applicant was represented by Mr Troy. The Respondent did not participate and was not represented. He did not contact the Tribunal in advance of the CMD or lodge written representations.

### **Case Management Discussion**

4. Mr Troy told the Legal Member that there has been no contact from the Respondent and no payments have been made to the arrears. He said that the Respondent sent him an email stating that he was moving out of the property at the end of October 2021 and would return the keys. The letting agent checked the property at the end of October and noted that it was unoccupied and that the Respondent's belongings had been removed. However, he did not return the keys. Mr Troy referred to the rent statement lodged with the application and confirmed that the sum specified is the rent due up to the end of October 2021, when the Respondent moved out. The sum outstanding on that date was £3060. The Landlord recovered the deposit of £399 from the tenancy deposit scheme but this has been applied to the cost of re-instating the property, as it was left in disrepair by the Respondent. It is still undergoing repair and has not yet been re-let. Mr Troy said that he issues a monthly reminder to the Respondent about the outstanding arrears, but no payments have been made. He also advised the Legal Member that he tried to work with the Respondent during the tenancy and referred him to the agencies who could assist him, but his attempts were unsuccessful.

### **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent was the tenant of the property in terms of a private residential tenancy agreement. The tenancy ended on 31 October 2022.
7. The Respondent has incurred rent arrears of £3060
8. The Respondent owes the Applicant the sum of £3060 in unpaid rent.

### **Reasons for Decision**

9. A copy of the tenancy agreement was submitted with the application. In terms of the agreement, the Respondent was due to pay rent at the rate of £399 per month. The Applicant lodged a rent statement with the application showing arrears of rent of £3060 at the end of October 2021. No payments have been

made to the arrears. The Legal Member is satisfied that the sum outstanding is £3060 and that a payment order for this sum should be granted in favour of the Applicant.

## **Decision**

- 10.** 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.**

# **J Bonnar**

**Josephine Bonnar, Legal Member**

**2 November 2022**