



**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**

Chamber Ref: FTS/HPC/CV/20/2216

Re: Property at 9 G 02 James Watt Way, Greenock, Inverclyde, PA15 2AD (“the Property”)

Parties:

Ms Linda Rawlings, c/o Castle Estates Glasfow Ltd, 14 Union Street, Greenock, Inverclyde, PA16 8JJ (“the Applicant”)

Miss Gia McKay, Address Unknown (“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 £1088.50 should be granted against the Respondent in favour of the Applicant.

Background

1. By application received on 20 October 2020 the Applicant seeks a payment order against the Respondent in relation to arrears of rent. A copy private residential tenancy agreement and rent statement were lodged with the application.
2. A copy of the application and supporting documents were served by advertisement on the Chamber website between 5 January 2021 and 11 February 2021, as the address of the Respondent is not known. Both parties were notified that a Case Management Discussion (“CMD”) would take place on 11 February 2021 at 2pm by telephone conference call and that they were

required to participate.

3. The case called for a CMD on 11 February 2021 at 2pm, by telephone conference call. The Applicant was represented by Ms McGugan. The Respondent did not participate and was not represented.

Case Management Discussion

4. Ms McGugan advised the Legal Member that she has exchanged emails with the Respondent who indicated that she is aware of the Tribunal proceedings. She also advised that the tenancy had originally been a joint tenancy. The joint tenant moved out and the arrears of rent accrued after this. The Applicant therefore decided to make an application to the Tribunal only in relation to the Respondent. Ms McGugan advised the Legal Member that the Respondent moved out of the property on 8 September 2020. She referred to the rent statement lodged with the application. This shows that the Applicant recovered the tenancy deposit of £775. £210 of this was applied to the cost of cleaning the property at the end of the tenancy. The remainder of £565 was applied to the rent arrears. This left a balance owing of £1118.50. The Respondent has made various repayment offers but has failed to adhere to them. However, she did make a payment of £30 on 5 January 2021. This reduced the arrears to £1088.50. The Applicant seeks a payment order for this sum.

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.
7. The Respondent was due to pay rent at the rate of £575 per month.
8. The tenancy ended on 8 September 2020.
9. The Respondent owes the sum of £1088.50 in unpaid rent to the Applicant.

Reasons for Decision

10. The Legal Member considered the application and the information provided by the Applicant's representative at the CMD. The Legal Member is satisfied that the Respondent has incurred arrears of rent of £1088.50 and that the Applicant is entitled to an order for payment for this sum.

Decision

11. The Legal Member determines that a payment order should be granted against the Respondent for the sum of £1088.50.

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.

Josephine Bonnar, Legal Member

11 February 2021