



**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/21/0247

Re: Property at 54 Roseberry Place, Hamilton, ML3 9EP (“the Property”)

Parties:

Mr Sandor Dogei, 148 Torbrex Road, Cumbernauld, G67 2JS (“the Applicant”)

Mr Graham Ditchburn, 54 Roseberry Place, Hamilton, ML3 9EP (“the Respondent”)

Tribunal Members:

**Josephine Bonnar (Legal Member)
Elizabeth Williams (Ordinary Member)**

Decision (in absence of the Respondent)

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

Background

1. By application dated 29 January 2021, the Applicant seeks an order for payment against the Respondent in relation to arrears of rent. Documents lodged in support of the application include a copy private residential tenancy agreement and rent statement.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 8 March 2021. Both parties were notified that a case management discussion (“CMD”) would take place by telephone case conference on 12 April 2021 at 2pm and they were required to participate.

3. The CMD took place on 12 April 2021 at 2pm by telephone conference call. The Applicant participated. The Respondent did not participate.

Case Management Discussion

4. Mr Dogei advised the Tribunal that there has been no recent contact with the Respondent, but he believes that he is still in occupation of the property. He referred the Tribunal to the rent statement lodged with the application which shows a balance outstanding on 24 January 2021 of £4600. He explained that he has already been granted a payment order by the Tribunal in November 2020 for £3250, being the arrears due up to the end of October 2020. This leaves a balance of £1350. The arrears have increased since the rent statement was lodged as no payments have been made since then to current rent, the arrears of rent or to the sum specified in the previous order for payment. Mr Dogei advised the Tribunal that he seeks a payment order for £1350.
5. Mr Dogei advised the Tribunal that he has made numerous attempts to get the Respondent to pay his rent and the arrears. Very few payments have been made, and none since July 2020. In response to questions from the Tribunal, he advised that the Respondent has offered different and sometimes conflicting explanations for non payment. He initially indicated that he had been too busy at work and kept forgetting to pay. He later indicated that his earnings had been affected by the pandemic but in January/February 2021 he said that he expected to be doing extra hours which should allow him to pay his rent and make payments to the arrears. No payments have been received.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent is due to pay rent at the rate of £450 per calendar month.
9. The Respondent has incurred arrears of rent of £1350.

Reasons for Decision

10. The tenancy started on 24 January 2020. The Respondent has been in rent arrears since February 2020. The Respondent has made no payments to the rent account since July 2020. The sum due in terms of the rent statement lodged with the application is £4600. The Applicant has already been granted

an order for payment for £3250 on 23 November 2020. The sum of £1350 is still outstanding. The Tribunal is satisfied that the Applicant is entitled to a payment order for £1350.

Decision

11. The Tribunal determines that an order for payment should be granted against the Respondent for the sum of £1350.

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.

A black rectangular redaction box covers the signature of the Legal Member. The redaction is positioned above the name 'Josephine Bonnar'.

Josephine Bonnar, Legal Member

12 April 2021