



**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/22/1903**

**Property at 52A Mossgiel Road, Ayr, South Ayrshire, KA7 3DL (“the Property”)**

**Parties:**

**LAR Housing Trust, F3 Buchanan House, Enterprise Way, Dunfermline, Fife,  
KY11 8PL (“the Applicant”)**

**Miss Sinead Buchanan, formerly of 52A Mossgiel Road, Ayr, South Ayrshire,  
KA7 3DL and now residing at 4 Orchard Place, Ayr, KA7 3ER (“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 an order for payment for the sum of £5101.61 should  
be granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant seeks an order for payment in terms of section 71 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). A copy tenancy agreement, rent statement and rent increase notice were lodged in support of the application. A related application for an eviction order under Chamber reference EV/22/1902 (“the eviction application”) was also submitted
2. A copy of both applications and supporting documents were served on the Respondent by Sheriff Officer. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 9 September 2022 at 10am by telephone case conference and that they were required to participate. This was postponed by the Tribunal following the death of Her Majesty the

Queen. On 30 September 2022, the Parties were notified that the new date and time for the CMD would be 7 December 2022 at 10am.

3. On 16 November 2022 the Applicant's solicitor notified the Tribunal that the Respondent had vacated the property on 24 October 2022 and that the eviction application was to be withdrawn. They submitted a new address for the Respondent, a trace report confirming that address, an updated rent statement and a request to amend the sum claimed in the application to £5101.61 in terms of Rule 14A of the Tribunal Procedure Rules.
4. The CMD took place at 10am on 7 December 2022. The Applicant was represented by Ms Donnelly. The Respondent did not participate and was not represented.

### **The CMD**

5. The Legal Member noted that the request to amend the application had been intimated to the Respondent and lodged more than 14 days before the CMD. The Legal Member confirmed that the request was granted.
6. Ms Donnelly told the Legal Member that there has been no recent contact from the Respondent. She was in touch with the Applicant at the end of October and stated that she would start making payments toward the arrears on 1 November 2022. No payments have been received. The tenancy deposit has not yet been recovered. The sum outstanding at the end of the tenancy and at the date of the CMD is £5101.61. Ms Donnelly advised the Legal Member that a payment order is sought for this sum together with interest at a rate to be determined by the Tribunal.

### **Findings in Fact**

7. The Applicant is the owner and landlord of the property.
8. The Respondent is the former tenant of the property in terms of a private residential tenancy agreement.
9. The Respondent was due to pay rent at the rate of £350 per month until 1 May 2022 and £360.50 per month from that date, following an increase in rent.
10. The Respondent has been in arrears of rent since July 2021.
11. The Respondent owes the sum of £5101.61 in unpaid rent to the Applicant.

### **Reasons for Decision**

12. From the information provided at the CMD and the documents lodged with the application and prior to the CMD, the Legal Member is satisfied that the

Respondent incurred rent arrears of £5101.61 prior to vacating the property on 24 October 2022. No payments have been made to the rent account since that date. The Legal Member is therefore satisfied that the Applicant is entitled to an order for payment for the sum of £5101.61 together with interest at the rate of 3% from the date of the decision, until payment.

## **Decision**

13. The Tribunal determines that an order for 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.**

Josephine Bonnar

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Josephine Bonnar, Legal Member

7 December 2022