



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act  
2014**

**Chamber Ref: FTS/HPC/CV/22/4017**

**Re: Property at 12 Ailsa Court, Hamilton, ML3 8XJ (“the Property”)**

**Parties:**

**Anchor Properties Residential LTD, Beechfield House, Melkle Earnock Road,  
Hamilton, ML3 8RN (“the Applicant”)**

**Mr Martin Collins, 12 Ailsa Court, Hamilton, ML3 8XJ (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Ahsan Khan (Ordinary Member)**

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

At the Case Management Discussion (“CMD”), which took place by telephone conference on 19 September 2023, the Applicant was not in attendance but was represented by Ms Angelina Franchitti of Property Angels Letting & Management Limited. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The CMD was in respect of this matter and the related case bearing reference FTS/HPC/EV/22/4016.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-**

**Background**

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 10 December 2019.

- ii. The rent payable in terms of the PRT was agreed to be £375 per calendar month payable in advance on the tenth day of each month.
- iii. A deposit of £375 was also agreed to be payable.
- iv. By email dated 9 June 2022 the Applicant per its agent served on South Lanarkshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

### **The Case Management Discussion**

At the CMD the First Applicant made the following representations in respect of this application and the associated application FTS/HPC/EV/22/4016:-

- i. The deposit paid by the Respondent is still held in a Tenancy Deposit Scheme.
- ii. The rent arrears outstanding and due by the Respondent are £9,167.50 as at the CMD.
- iii. The last payment made by the Respondent was £60 on 2 December 2022.
- iv. Two grant payments were received towards the rent arrears, being £2880 on 28 March 2022 and £2240 on 4 November 2022.
- v. The Respondent is still in occupation of the Property. He has no dependents living with him.
- vi. The Respondent previously worked in a warehouse. His current employment situation is not known.
- vii. It is not known if the Respondent is in receipt of state benefits.
- viii. The last contact with the Respondent was in September 2022 when the Respondent indicated that he was waiting for an eviction order to be granted by the Tribunal in order to get another house.
- ix. The Applicant seeks a payment order of £7,444.08.

The Tribunal asked the Applicant's representative to explain how the figure of £7,444.08 had been calculated as no such figure appeared on the Rent Statement as at the time of the application being made in November 2022. The Applicant's representative said she was not sure where the figure came from.

### **Findings in Fact**

The Tribunal made the following findings in fact:-

- i. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 10 December 2019.
- ii. The rent payable in terms of the PRT was agreed to be £375 per calendar month payable in advance on the tenth day of each month.
- iii. A deposit of £375 was also paid and is held in a Tenancy Deposit Scheme.
- iv. The rent arrears outstanding and due by the Respondent are £9,167.50 as at the CMD.
- v. The last payment made by the Respondent was £60 on 2 December 2022.
- vi. Two grant payments were received towards the rent arrears, being £2880 on 28 March 2022 and £2240 on 4 November 2022.
- vii. The Respondent is still in occupation of the Property.

### **Reasons for Decision**

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and by the Applicant's representative orally at the CMD was not therefore challenged by the Respondent.

Whilst it was unfortunate that the Applicant's representative could not explain how the rent arrears sought in the application had been calculated, nonetheless the rent arrears were now significantly in excess of that amount and therefore the Tribunal was prepared to grant the application and did so.

### **Decision**

The Tribunal grants an order against the Respondent for payment to the Applicant of £7,444.08.

### **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.**



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**Legal Member/Chair**

**5 October 2023**  
**Date**