



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/0551**

**Re: Property at Flat 12 Park View, 64 Dean Street, Kilmarnock, KA3 1AG (“the Property”)**

**Parties:**

**Mr Duncan Vaux, 250 Myton Road, Warwick, CV34 6PT (“the Applicant”)**

**Mr Cameron Campbell, Miss Lauren Brodie, Flat 12, 64 Dean Street, Kilmarnock, KA3 1AG; Flat 12 Park View, 64 Dean Street, Kilmarnock, KA3 1AG (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member) and Mike Scott (Ordinary 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 be made in the sum of £2550.**

**Background**

1. This application is under Rule 111 and Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant seeks an order for Payment in respect of rent arrears.
2. A copy of the application was served on the Respondent on 24 March 2023 by Sheriff Officers. The Respondent was advised that a Case Management Hearing (“CMD”) would take place by teleconference call on 27 April 2023 at 2pm.
3. The Applicant lodged with the Tribunal the following documentation;-

- Private Tenancy Agreement dated 24 July 2022 with a start date of 26 July 2022
- Arrears rent account
- Copies of e-mails exchanged between the parties which included evidence of compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020

### **The Case Management Discussion (CMD)**

4. The CMD took place by teleconference. The Applicant was represented by Mrs Leslie Ann Barclay of Happy Lets Limited who are the Letting Agents in respect of the Property. The Respondent was not present and was not represented.
5. No written representations had been received by the Tribunal from the Respondent.
6. The CMD was conjoined with an application for an eviction order under reference EV/23/0547. At the date of the CMD the rent arrears amounted to £3758.02.
7. Mrs Barclay said that she had sought an application for direct payments of rent in relation to both Respondents from the Benefits Agency. She had been advised that the First Respondent was not claiming any benefits. A Housing Benefit payment of £33.49 was being paid in relation to the Second Named Respondent. Two payments have been received in this amount thus far. Meantime rent arrears continue to accrue. No payment of rent has been made by the Respondent (apart from these two small Housing Benefit payments which have been paid directly) since 28 July 2022.
8. The Respondent is refusing to enter into any dialogue with her.

### **Findings in Fact**

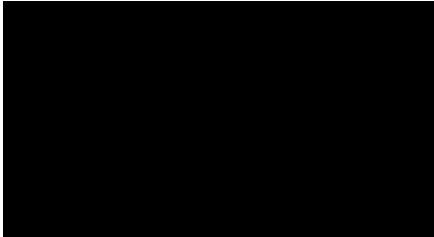
9. The Applicant is the landlord of the Property; the Respondent is the tenant of the Property in terms of a private tenancy agreement entered into between the parties.
10. The contractual monthly rental due in terms of the tenancy agreement is £425 per calendar month.
11. The Respondent fell into arrears of rent.
12. Arrears of rent as at the date the application was lodged with the Tribunal amounted to £2550 which is the sum claimed.
13. As at the present date the arrears amount to £3758.02

### **Reasons for Decision**

14. Having made these Findings-in –Fact and in the absence of any representations made by the Respondent that the sum claimed was not due the Tribunal granted the Order sought.

### **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.**



**27 April 2023**

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**Legal Member/Chair**

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**Date**