



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/23/0696

Re: Property at 1 Durward Crescent, Paisley, PA2 0LN (“the Property”)

Parties:

Mr Lee Pierce-Jones, A1908, 9 Owen Street, Manchester, M15 4TP (“the Applicant”)

Mr Sean Clark, 1 Durward Crescent, Paisley, PA2 0LN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £1,837.50.

Background

The Applicant seeks a Payment Order in the sum of £1,837.50 for rent arrears said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 2 June 2023. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. On the basis that Sheriff Officers had competently served the Application and information about how to join the conference call on the Respondent, the Tribunal decided to proceed in the Respondent’s absence. Having considered all the information before the Tribunal and having heard from the Applicant, the Tribunal made the following findings in fact

Findings in Fact

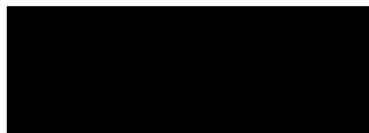
- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential tenancy Agreement that commenced on 26 July 2022;*
- II. *The contractual monthly rent was £525.00;*
- III. *The Respondent fell into rent arrears and on 27 January 2023;*
- IV. *The arrears of rent are now at £2,530.00;*
- V. *There is nothing before the Tribunal that suggests any reason why the Respondent has failed to make payments of rent. Indeed, the Applicant appears to have got to great lengths to assist the Respondent by offering payment plans;*
- VI. *The sum claimed in the Application of £1,837.50 is lawfully due as rent by the Respondent to the Applicant as rent but remains unpaid.*

Decision

Having made the above findings in fact, the Tribunal made a Payment Order in favour of the Applicant against the Respondent in the sum of £1,837.50.

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.



Legal Member/Chair

Date: 02 June 2023