

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/3186**

**Re: Property at 7e Argyle Road, Saltcoats, KA21 5NG (“the Property”)**

**Parties:**

**TDH Property Holdings LTD, 6 The Briars, Wool, Wareham, Dorset, BH20 6NA  
 (“the Applicant”)**

**Mr Sean Norton, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of four hundred and fifty pounds (£450.00) be made in favour of the Applicant and against the Respondent.**

**Background**

1. This application for a payment order in terms of Rule 111 of the Tribunal rules of procedure was first lodged with the Tribunal on 21<sup>st</sup> December 2021 and was accepted on 23<sup>rd</sup> February 2022.
2. A case management discussion was initially set down for 29<sup>th</sup> April 2022, but this was cancelled as the application and supporting papers had not been served on the Respondent. The application was then the subject of service by advertisement and a new case management discussion was set down for 26<sup>th</sup> May 2022 at 10am. On that date no representative for the Applicant was available and the matter was continued to a further case management discussion on 29<sup>th</sup> July 2022.

**Case Management Discussion**

3. At the case management discussion on 29<sup>th</sup> July 2022 the Applicant did not attend but was represented by Miss Connolly from the letting company which represents the Applicant company. There was no appearance by or on behalf of the Respondent and the Legal member noted that the application had been served by advertisement in terms of Rule 6A of the Tribunal rules between 22<sup>nd</sup> April and 26<sup>th</sup> May and between 15<sup>th</sup> June and 29<sup>th</sup> July 2022. The Respondent had not contacted the Tribunal at any time. The Tribunal legal member took the view that appropriate notice had been given in terms of the rules and was prepared to proceed in the absence of the Respondent.

4. The Tribunal legal member had sight of the Application, a tenancy agreement, an authorisation to act and rent statements in respect of the tenancy.

5. Miss Connolly confirmed that the tenancy had commenced on 5<sup>th</sup> February 2021 and monthly rent payable in advance on 5<sup>th</sup> of each month was £450. The Respondent had vacated the property on 25<sup>th</sup> February 2022 and his current address was unknown. She indicated that the Respondent had lived alone at the property and there had been issues with late rent payment for some time. When this had been raised the Respondent always had reasons for late payment. There had been no rent payments made after December 2021 or after the Respondent had vacated the property and as of 5<sup>th</sup> February 2022 two months' rent was due and in arrears. The Respondent had left the property without giving notice. The tenancy deposit was recovered and when this was set against the arrears the sum being sought by way of a payment order was £450.

### **Findings in Fact**

6. The Applicant and Respondent entered into a private residential tenancy at the property with effect from 5<sup>th</sup> February 2021.

7. The monthly rent payable in terms of the tenancy was £450 payable in advance on 5<sup>th</sup> of each month.

8. The Respondent vacated the property without notice on 25<sup>th</sup> February 2022 leaving accrued rent arrears amounting to two months' rent

9. The tenancy deposit paid by the Respondent was £450 and this was recovered in full by the Applicant.

10. The outstanding rent arrears after recovery of the tenancy deposit amount to £450.

11. The sum of £450 is lawfully due by the Respondent to the Applicant by way of rent arrears accrued at the property.

### **Reasons for Decision**

The Tribunal legal member was satisfied that it was appropriate to issue a payment order given that the Respondent had left the property without notice leaving rent arrears and his current address is not known.

## **Decision**

The Tribunal issued a payment order in the sum of four hundred and fifty pounds (£450.00) only in favour of the Applicant and 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.**

V Bremner

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Legal Member/Chair

29.7.22  
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Date