



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

**Chamber Ref: FTS/HPC/CV/21/0127**

**Re: Property at 3 Loanhead Street G/L, Kilmarnock, KA1 3AU (“the Property”)**

**Parties:**

**Mr Eric Moir, 44 Forest Grove, Kilmarnock, Ayrshire, KA3 1UP (“the Applicant”)**

**Miss Stephanie Murray, 35 Logan Avenue, Logan, Cumnock, Ayrshire, KA18 3HA (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for the amount of £964 (NINE HUNDRED AND SIXTY FOUR POUNDS)**

1. An application was received by the Housing and Property Chamber and was dated 17<sup>th</sup> January 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 16<sup>th</sup> February 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) of 23<sup>rd</sup> March at 2pm by teleconferencing. The letter also requested all written representations be submitted by 9<sup>th</sup> March 2021.
3. On 18<sup>th</sup> February 2021, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Service

### The Case Management Discussion (“CMD”)

4. A CMD was held on 23<sup>rd</sup> March 2021 at 2pm by teleconferencing. The Applicant was represented by Mr Eric Moir from Forest Property Services. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
5. Mr Moir informed the Tribunal that the last contact he had from the Respondent was by email on 18<sup>th</sup> February 2021. She did not make a payment offer in the email. He stated that he believed that she had worked during her time in the tenancy. He was unaware of any outstanding Universal Credit Housing Element issues. She left the Property of her own accord on 18<sup>th</sup> July 2020. The outstanding arrears were £1329 but he was returned her deposit of £365 by Safe Deposit Scotland to contribute to the arrears. This reduced the arrears to £964.

### Findings and reason for decision

6. A Private Rented Tenancy Agreement commenced 8<sup>th</sup> May 2018.
7. The Respondent persistently failed to pay her rent charge of £365 per month (or £364.81 per four weeks).
8. There are no outstanding Housing Benefit issues.
9. The arrears sought totalled £964. Amounting to rent arrears

### Decision

10. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £964.

### **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.**

**Gabrielle Miller**  
**Legal Member/Chair**

**23<sup>rd</sup> March 2021**  
**Date**