



**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/21/0361**

**Re: Property at 10B Hanover Street, Stranraer, DG9 7RZ (“the Property”)**

**Parties:**

**Mr Gilbert Milroy and Fiona Young Milroy, Belvidere, Lochans, Stranraer, DG9 9BD (“the Applicants”)**

**Miss Suzi Millar, 42 Ashwood Drive, Stranraer, DG9 7NP (“the Respondent”)**

**Tribunal Members:**

**Rory Cowan (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 £1,875.00 should be granted.**

- Background

By application dated 11 February 2021 (the Application), the Applicants sought a Payment Order against the Respondent relative to rent arrears for the Property. With the Application, the Applicants lodged various supporting documents including a copy lease, a statement of the arrears as well as copy correspondence between the parties.

- The Case Management Discussion

A Case Management Discussion (CMD) was fixed to be heard by way of conference call on 1 June 2021. Mr Milroy appeared on behalf of the Applicants and there was no appearance or representation for the Respondent. Notwithstanding, the Tribunal was satisfied that proper intimation had been made of the Application to the Respondent and that she therefore knew about the CMD and her requirement to

attend. That being the case, the Tribunal decided to deal with matters in her absence.

Mr Milroy confirmed that, as had been revealed in correspondence with the Tribunal relative to the Application, the Property and the lease with the Respondent were in joint names with his wife Fiona Milroy. The Application was amended to reflect that. He confirmed that the Respondent had vacated the Property on or around 31 December 2020 leaving rent arrears of £1,875.00 and that despite discussions regarding payment plans, these arrears had not been repaid.

- Findings in Fact and Law
  - 1) The Applicants entered into a lease with the Respondent for the Property which commenced on or around 26 February 2020.
  - 2) The rent due under the lease was £375 per calendar month.
  - 3) The Respondent vacated the Property on or around 31 December 2020 leaving arrears of rent amounting to £1,875.00.
  - 4) The Applicants are entitled to a Payment Order against the Respondent in the sum of £1,875.00.
- Reasons for Decision

Under the lease between the parties, the Respondent was due to pay rent relative to the Property at the rate of £375 per month. She vacated the Property leaving rent arrears of £1,875.

- Decision

That a Payment Order in the sum of £1,875.00 be granted in favour of the Applicants 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.**

Rory Cowan

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Legal Member/Chair

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Date 1 June 2021

