



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/21/0784**

**Re: Property at 1H Teviotdale Court, Hawick, TD9 8HZ (“the Property”)**

**Parties:**

**AK Properties (Scotland) Ltd, Gairneybank Farm, Kinross, Kinross-shire, KY13 9JZ (“the Applicant”)**

**Miss Tamzin Ireland, Mr Josh Tracey, formerly residing at 1H Teviotdale Court, Hawick, TD9 8HZ and whose current whereabouts are unknown (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):**

**Sum of ONE THOUSAND THREE HUNDRED AND SIX POUNDS AND FORTY-NINE PENCE (£1,306.49) STERLING**

- Background
- 1. An application dated 24 March 2021 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondents in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 26 August 2021 by tele-conference. The Applicant was represented by their letting agent, Caitlin Tofts of Catford Investments Ltd. There was no appearance by or on behalf of the Respondents. Due to the Respondents’ current whereabouts being unknown, the application had been served by way of website advertisement between 22 July 2021 and 26 August 2021. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondents’ absence.
3. The Applicant moved for the order for payment to be granted in the sum of £1,306.49. The parties had entered into a Private Residential Tenancy Agreement which commenced on 8 July 2020 and which ended on 28 March 2021. The Respondents had failed to make payment of rent and at termination of the tenancy the rent arrears amounted to £1,706.49. A tenancy deposit of £400 was returned to the landlord from the tenancy deposit scheme, reducing the outstanding balance to £1,306.49.

- Findings in Fact

4. The Tribunal made the following findings in fact:
  - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 8 July 2020;
  - (ii) In terms of Clause 8 of the Agreement, the Respondents were obliged to pay a monthly rent of £400 to the Applicant;
  - (iii) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1,306.49;

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £400 per month under Clause 8 of the Agreement and had failed to do so. They had accrued arrears amounting to £1 306.49 and which fell lawfully due to be repaid to the Applicant.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND THREE HUNDRED AND SIX POUNDS AND FORTY-NINE PENCE (£1,306.49) STERLING

## **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.**

Fiona Watson

**Legal Member/Chair**

**Date: 26 August 2021**