



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

**Chamber Ref: FTS/HPC/CV/21/1599**

**Re: Property at 1D Low Road, Ayr, KA8 9RY (“the Property”)**

**Parties:**

**Mr Scott Marshall, 1 Adamton Terrace, Prestwick, KA9 2DW (“the Applicant”)**

**Miss Kirsty Lambie, 36 Goodwin Drive, Annbank, KA6 5ET (“the Respondent”)**

**Tribunal Member:**

**Josephine Bonnar (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £2497.85 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. By application dated 5 July 2021, the Applicant seeks a payment order in relation to arrears of rent. A copy private residential tenancy agreement and rent statement were lodged in support of the application.
2. A copy of the application was served on the Respondent by Sheriff Officer on 6 September 2021. Both parties were advised that a case management discussion (“CMD”) would take place by telephone conference call on 5 October 2021 at 11.30am.
3. The CMD took place on 5 October 2021. The Applicant was represented by Ms Hunter. The Respondent did not participate and was not represented. She did not contact the Tribunal in advance of the CMD.

## **Case Management Discussion**

4. Ms Hunter advised the Legal Member that there has been no contact with the Respondent since the application was lodged and no further payments to the rent account. She referred the Legal Member to the rent statement which shows a balance owing of £2497.85 at the end of the tenancy on 22 February 2021, after recovery of the tenancy deposit from the Tenancy Deposit Scheme. She confirmed that this sum is still outstanding and that the Applicant seeks a payment order in relation to same.

## **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the former tenant of the property in terms of a private residential tenancy agreement. The tenancy ended on 22 February 2021.
7. The Respondent was due to pay rent at the rate of £450 per month.
8. The Respondent owes the sum of £2497.85 in unpaid rent to the Applicant.

## **Reasons for Decision**

9. The application was submitted with a private residential tenancy agreement and a rent statement. In terms of the tenancy agreement, rent was due to be paid at the rate of £450 per month. The Respondent vacated the property on 22 February 2021 owing the sum of £2497.85 in unpaid rent. There has been no contact from the Respondent and no payments made to the arrears. The Legal Member is satisfied that the Respondent owes the sum of £2497.85 in unpaid rent and that the Applicant is entitled to a payment order.
10. The Legal Member is therefore satisfied that a payment order should be granted for the sum of £2497.85

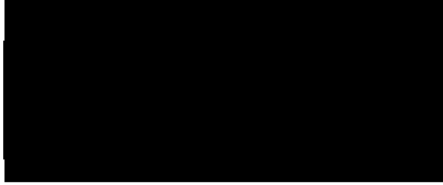
## **Decision**

11. The Tribunal determines that an order for payment for the sum of £2497.85 should be made.

## **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.**



**Josephine Bonnar, Legal Member**

**5 October 2021**