



**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/21/2515**

**Re: Property at 21 Claymore Crescent, Boddam, Peterhead, AB42 3FA (“the Property”)**

**Parties:**

**Ms Carol Hiles, Melrose, Mill of Clola, Peterhead, AB42 5DA (“the Applicant”)**

**Mr Ronald Bloomfield, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Karen Kirk (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for the sum of £3925.**

**Introduction**

This CMD concerned an Application for Civil Proceedings in relation to a Private Residential Tenancy under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference due to the covid-19 pandemic. The purpose and options open to the Tribunal was explained.

**1. Attendance and Representation**

The Applicant was present.

The Respondent was not present. He was not able to be served by sheriff Officer and a previous hearing was cancelled. The Respondent was then served by advertisement.

## **2. Preliminary Matters**

The Respondent was not present. There had been no recent contact with the Applicant since he moved out of the property on 28<sup>th</sup> November 2021. The Respondent had given Notice to Leave and still has contact and email details but no forwarding address has been provided to her.

The Applicant had made an application to amend the sum sought on 13<sup>th</sup> January 2022 to £3925. A full rent statement was lodged with the application. The Tribunal allowed the Sum in the application to be amended to £3925.

There were no other preliminary issues raised.

## **3. Summary of Hearing**

The Applicant explained the rent for the property in terms of the Private Residential Tenancy was £450 per month. She said she had sent the 4 prescribed pre action protocol letters to the Respondent in relation to assisting the Respondent with the arrears. She told the Tribunal she also tried to use an arbitration service available to tenants and landlords but they could not help as the Respondent was not willing to make payment. The rent arrears owed to the Applicant to the end date for the tenancy on 28<sup>th</sup> November 2021 was £3925. The Applicant said in addition to the letter she had sent the Respondent texts, emails and whats apps in regards the payments due to her.

The Applicant sought a Order for Payment for the sum of £3925 in terms of Section 71 Private Housing (Tenancies) (Scotland) Act 2016 .

## **4. Findings in Fact/Reasons for Decision.**

- 1. The Tribunal was satisfied that a decision could be made in the absence of the Respondent at the CMD based on the information before the Tribunal. The Respondent had had to be served by advertisement by the Tribunal and this had been carried out. The Applicant gave credible evidence supported by the papers lodged by her that she had made the Respondent aware of the arrears due and had sought to assist the Respondent in regards same. It was in the interests of the parties having regard to the Overriding objective to proceed.**
- 2. The Applicant sought an Order for Payment.**
- 3. The Tribunal was satisfied on the evidence that the Applicant was the heritable proprietor of the Property as a copy title was lodged with the Application.**
- 4. There was a valid Private Residential Tenancy in place between parties dated 8<sup>th</sup> July 2019. The Respondent left the Property on 28<sup>th</sup> November 2022.**
- 5. The rental payment in terms of this agreement was £450 per calendar month.**

6. Rent due by the Respondent to the Applicant up to the date of the end of the tenancy in terms of the rent statement lodged as of 13<sup>th</sup> January 2022 was £3925.
7. The Tribunal was satisfied on balance that it was appropriate to grant a Payment Order for £3925.
8. Accordingly, in terms of Section 71 of the 2016 Act the Tribunal granted a Payment Order against the Respondents.

### 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.

**Karen Kirk**

18/02/22

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Legal Member/Chair

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Date