



**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 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/21/3178**

**Re: Property at Flat 4B, North Port, Perth, PH1 5LU (“the Property”)**

**Parties:**

**Mrs Andrea Hay, c/o Belvoir Perth, 8 Bridge Lane, Perth, PH1 5JJ (“the Applicant”)**

**Mr Gary White, Flat 4B, North Port, Perth, PH1 5LU (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)  
Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £4675.00 should be granted against the Respondent in favour of the Applicant.**

**Background**

- 1. The Applicant seeks an order for payment in terms of Section 71 of the 2016 Act. A copy of a tenancy agreement and a rent statement were lodged in support of the application.**
- 2. The Tribunal attempted to serve a copy of the application and supporting documents on the Respondent by Sheriff Officer. However, the Sheriff Officers were unable to effect service as their enquires established that the property was unoccupied. The Applicant’s solicitor was notified that service would be by advertisement on the Tribunal website. In response the Applicant’s solicitor notified the Tribunal that the Respondent collected a key for the property from the letting agent on 18 March 2022 and appeared to be occupying the property again. The application was served on the respondent by Sheriff Officer on 31**

March 2022. Both parties were notified that a Case Management Discussion (“CMD”) would take place on 10 May 2022 at 10am by telephone conference call and that they were required to participate. On the 27 April 2021, the Applicant’s solicitor lodged an updated rent statement showing rent arrears of £4675. She stated that a copy had also been emailed to the Respondent.

3. The CMD took place at 10am on 10 May 2022. The Applicant was represented by Ms McNicol, solicitor. The Respondent did not participate and was not represented.

### **Case Management Discussion**

4. Ms McNicol advised the Tribunal that prior to 18 March 2022, neighbours had indicated that the property was unoccupied. However, since he collected the key from the letting agent, it appears that the Respondent has moved back in. She also advised that she sent him a copy of the application and CMD notification letter by email.
5. Ms McNicol advised the Tribunal that the Respondent paid a deposit before moving into the property but has not paid any rent. As a result, the rent due for the whole of the tenancy is outstanding. She confirmed that no payments have been made since the updated rent statement was lodged and the rent due on 7 May 2022 is also unpaid. Little information is held about the Respondent’s circumstances. He previously indicated that he had applied for a Tenant Hardship Loan, but this did not result in any payments to the rent account. Ms McNicol stated that a payment order is sought for the sum of £4675.

### **Findings in Fact**

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy.
8. The Respondent is due to pay rent at the rate of £425 per month.
9. The Respondent owes the sum of £4675 in unpaid rent for the period 7 June 2021 to 6 May 2022.

### **Reasons for Decision**

10. The application was submitted with a private residential tenancy agreement and a rent statement. An updated rent statement was submitted prior to the CMD. In terms of the tenancy agreement, rent is due to be paid at the rate of £425 per month. The Respondent continues to reside at the property but has paid no rent since the start of the tenancy. The Tribunal is satisfied that the

Applicant is entitled to a payment order for the sum of £4675.00.

## **Decision**

- 11.** The Tribunal determines that an order for payment for the sum of £4675 should be granted in favour of the Applicant.

## **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**

**10 May 2022**