

Housing and Property Chamber
First-tier Tribunal for Scotland



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/22/0099

Re: Property at 14 Mavor Court, East Kilbride, G74 4XU (“the Property”)

Parties:

Clyde Valley Property Services, 50 Scott Street, Motherwell, ML1 1PN (“the Applicant”)

Mr John Caullay, 17 Shiel Place, East Kilbride, G74 4SG (“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 £698.61.

Present

Carol Sanderson, Clyde Valley Property Services, attended for the Applicant.

The Respondent was not in attendance. A Sheriff Officer service took place on 9th June 2022.

The Hearing

The Applicant’s representative set out that the rent arrears for the property remained at £698.61 with no payments been made since July 2021. There had been no contact with the respondent for some time. The last contact was letters sent by the Applicant’s to the Respondent in October and December 2021. The tenancy between parties ended on 18th August 2020.

The Applicant’s representative submitted that the respondent had arranged to pay

towards his arrears in 2021 at the rate of £250 per month. He made 3 payments in May, June and July 2021. There has since been no further payments. She referred to the full rent statement lodged. She submitted further that the Respondent is believed to be staying with his parents and the address in the instance is the address he gave on leaving the property. She sought a Payment order against the Respondent for the sum of £698.61

Findings in Fact

1. The Tribunal determined that it was in the interests of justice, parties and having regard to the overriding objective of the Tribunal for a decision to be made at the CMD in the absence of the Respondent. There was all necessary material before the Tribunal to make a decision and the Respondent had been served.
2. The Applicant sought a Payment Order for £698.61
3. The Respondent entered into a Short Assured Tenancy for the property at on 29th August 2017.
4. The monthly rent due in terms of the said Tenancy is £448 per month.
5. The Respondent ended the Tenancy on 18th August 2020 and gave his current address to the Applicants.
6. In terms of the tenancy on leaving the Respondent owed rent arrears.
7. The Respondent in 2021 made an arrangement to make payment towards his rent arrears at the rate of £250 per month until cleared. The Respondent made 3 such payments in May, June and July 2021. This brought the arrears due to £698.61. The Respondent made no further payments.
8. The Respondent owes rent arrears to the Applicant of £698.61.

Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative and considered that it was reasonable and appropriate to grant a Payment Order for £698.61. The Tribunal had regard to the written evidence lodged in particular the rent statement for the property between the parties and the tenancy agreement. The Tribunal therefore granted a Payment Order for the sum of £698.61

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.

K. Kirk

22nd July 2022

Legal Member/Chair

Date