



**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/22/0994**

**Re: Property at 85 Flat 2/2 Glasgow Road, Paisley, PA1 3LY (“the Property”)**

**Parties:**

**Thomas Johnson, 28 Brownside Avenue, Barrhead, G78 1HY (“the Applicant”)**

**Mr Kieran Lyttel, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order of payment from the Respondent amounting to £834.10 (EIGHT HUNDRED AND THIRTY FOUR POUNDS AND TEN PENCE).**

**Background**

1. An application was received by the Housing and Property Chamber dated 4<sup>th</sup> May 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 16<sup>th</sup> June 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 8<sup>th</sup> September 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 7<sup>th</sup> July 2022. Service by Advertisement was undertaken upon the Respondent from 27<sup>th</sup> July 2022.

### The Case Management Discussion

3. A CMD was held a on 8<sup>th</sup> September 2022 at 10am by teleconferencing. The Applicant was represented by Mrs Melissa Hilton Johnson. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
4. Mrs Johnson told the Tribunal that the Respondent was paying his rent until around September 2021 when payments became erratic. In December 2021 he then stopped paying altogether. The smaller charge of £184.10 is for the part of the month that he lived in the Property from 1<sup>st</sup> February 2022 to 14<sup>th</sup> February 2022. Mrs Johnston believes that the Respondent was working and there are no outstanding Universal Credit issues that would reduced the arrears. Mrs Johnston noted that the letting agent had sent the Respondent information in terms of money advice. The Applicant had been willing to reach an agreement on the arrears being paid. Neither offers were taken up by the Respondent.
5. The Tribunal was satisfied that the outstanding amount for £834.10 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

### Findings and reason for decision

6. A Private Rented Tenancy Agreement commenced 1<sup>st</sup> January 2019.
7. The Respondent persistently failed to pay his rent charge of £400 per month. The rent payments are due to be paid on the first day of each month.
8. The Respondent left the Property on 14<sup>th</sup> February 2022.
9. The Respondent has not made any offers to pay the outstanding arrears.
10. The arrears sought total £834.10.

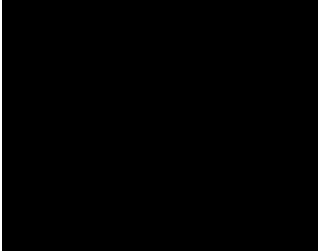
### Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment from the Respondent amounting to £834.10.

### **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.



\_\_\_\_\_  
Legal Member/Chair

8<sup>th</sup> September 2022

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Date