



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/4126

Re: Property at 4A George Street, Johnstone, PA5 8SL (“the Property”)

Parties:

Mr Ryan Montgomery, 42 Lochhead Ave, Lochwinnoch, PA12 4AW (“the Applicant”)

Mr Terry Smith, 4A, George Street, Johnstone, PA5 8SL (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order against the Respondent in the sum of £3,382.63.

Background

The Applicant seeks a Payment Order in respect of arrears of rent said to have been accrued by the Respondent under a tenancy between the parties.

The Case Management Discussion

The Application called for a Case Management Discussion at 10 am by conference call on 1 March 2023. The Applicant was represented by Ms McKnight of Rentahome (Scotland) Limited. There was no appearance by or on behalf of the Respondent. As the Application and information about how to join the conference call had been competently

served on the Respondent by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent. Having heard from Ms McKnight and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. *The contractual monthly rent was £425.00;*
- III. *The Respondent vacated the Property with arrears of rent in the sum of £3,382.63 lawfully due to the Applicant but which remained unpaid.*

Decision

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £3,382.63 in favour of the Applicant against the Respondent

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

1 March 2023
Date