



**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/23/0278**

**Re: Property at 89 Ettrick Street, Wishaw, ML2 7LE (“the Property”)**

**Parties:**

**Mr Louis Howson, Mr Kenneth Anderson, 10 Mossneuk Crescent, Wishaw, ML2 8LS; 3 Dunbar Drive, Motherwell, ML1 2EN (“the Applicant”)**

**Miss Jade Thompson, whose present whereabouts are unknown (“the Respondent”)**

**Tribunal Member:**

**Melanie Barbour (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it should make an order for payment for the sum of FOUR THOUSAND SEVEN HUNDRED POUNDS (£4,700.00) STERLING**

**Background**

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking a payment order against the Respondent.
2. The application contained:-
  - a. a copy of the tenancy agreement
  - b. bank statement; and
  - c. a copy of the rent statement.

3. The Applicant appeared at the case management discussion on 29 June 2023. There was no appearance by the Respondent. Service on the Respondent had been by advertisement. There was a certificate of advertisement for today's case management discussion. As I was satisfied that service had taken place by advertisement I was prepared to proceed in her absence.

### Discussion

4. The Applicant's agent asked the tribunal to grant the order for payment for £4,700.00. The applicant advised that this was the final figure of rent due by the respondent as at 22 March 2023.
5. The Applicant advised that at today's date the arrears were £4,700.00. The respondent was aware of the arrears. The respondent had not offered to make any repayment to the arrears. The respondent had vacated the property on 22 March 2023.
6. There was submitted a tenancy agreement, rent statement and bank statements in support of the application.

### Findings in Fact

7. The Tribunal found the following facts established:-
  - a. There existed a private residential tenancy between the Applicant and the Respondent.
  - b. The tenant was Jade Thompson.
  - c. The landlord was Kenneth Anderson and Louis Howson.
  - d. The tenancy was for the property 89 Etrick Street, Wishaw.
  - e. It had commenced on 28 May 2020.
  - f. Clause 7 of the Tenancy Agreement provides that the rent for the property is £600 per calendar month.
  - g. There appeared to be rent arrears outstanding which totalled at least £4,700 as at today's date.
  - h. The respondent had vacated the property on around 22 March 2023.

### Reasons for Decision

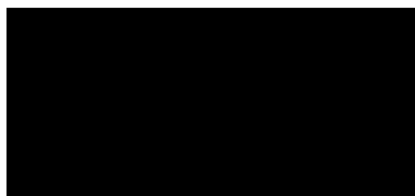
8. Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from private rented tenancies. As this tenancy is a private rented tenancy I am content that I have jurisdiction to deal with this case.
9. The tenancy agreement created obligations between the parties, which included paying rent. The respondent had failed to make payment of the rent. There was submitted a rental statement showing the arrears due.
10. The respondent had left the property on around 22 March 2023 without repaying the rent arrears. The rent arrears remain due.
11. On the basis of the evidence submitted and having regard to all papers submitted with the application, I consider that I should make an order for the sum sued.

#### Decision

12. I grant an order in favour of the Applicant for FOUR THOUSAND SEVEN HUNDRED POUNDS (£4,700.00) STERLING 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

29 June 2023  
Date