



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/22/4238

Re: Property at Top Floor D, 28 Kyle Street, Ayr, KA7 1RZ (“the Property”)

Parties:

ABFAB Holdings Limited, 73 Hamilton Road, Bellshill, ML4 1AG (“the Applicant”)

Mr Robert McClurg, Top Floor D, 28 Kyle Street, Ayr, KA7 1RZ (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £1,150.15 is made against the Respondent in favour of the Applicant.

1. This is an application for a Payment Order arising from non-payment of rent.
2. The Applicant is the owner and landlord of the property. The Respondent was the sole tenant. He entered into a tenancy agreement with the Applicant on 3 February 2017. The tenancy agreement specifies that £346.66 is due in respect of rent each calendar month payable in advance.
3. The Applicant asserts that the Respondent has accrued rent arrears, as at the date of the application, in the sum of £1,150.15.

4. A case management discussion took place at 14.00 am on 17 March 2023. The hearing preceded remotely by telephone conference. Miss Bruce appeared on behalf of the applicant. No obvious issues arose with sound or connectivity.
5. The Respondent has failed to engage with the application or make contact with the Housing and Property Chamber. We decided to continue the discussion in the Respondent's absence after satisfying ourselves that all the relevant paperwork had been properly served on him and that he was notified of today's hearing. The Respondent has been notified that the Tribunal can make any decision at a Case Management Discussion that could be made at a hearing.
6. Miss Bruce said that the rent statement shows that the Respondent failed to meet the full rent and that there was a shortfall most months with the exception of September and October 2022. We were informed that the Respondent notified the Applicant that he had vacated the property on 19 January 2023 and that possession of the property occurred on 9 February 2023. Accordingly, the conjoined application for an eviction order under reference EV/22/4240 is not being insisted upon.
7. It is clear that the Respondent has not made any attempt to bring the rent account up to date, that the arrears are substantial and have remained over a considerable period of time.
8. The Respondent has not engaged with the Housing and Property Chamber in anyway which means that there is no challenge to the application. The Respondent has expressed no intention of paying the sum due. The Respondent has been properly served with a copy of the application, alongwith itemised schedules of rent arrears. Having considered all the information, individually and in the round, we decided to make a Payment Order in the sum of £1,150.15.

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.

17 March 2023

Legal Member/Chair

Date