



**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/22/2275**

**Re: Property at 2/R 44 Nelson Street, Largs, KA30 9AE (“the Property”)**

**Parties:**

**Mr Paul Johnson, 110 Chippenham Road, Chippenham, SN15 4PA (“the Applicant”)**

**Miss Laura Crawley, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant the sum of One Thousand Eight Hundred Pounds (£1,800)**

**Introduction**

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Intimation of the application and Case Management Discussion (CMD) was made upon the respondent by advertisement on the Chamber website. A certificate has been produced evidencing the notice period commenced on 16 May 2023.

The CMD took place by teleconference on 16 June 2023 at 10am. The applicant was represented by Mrs Johann MacDougall of First Property Letting. The respondent failed to participate in the hearing.

### Findings and Reasons

The property is 2/R, 44 Nelson Street, Largs KA30 9AE. The applicant is Mr Paul Johnson. He is the joint heritable proprietor with Mrs Dawn Johnson who has consented to the bringing of this application. Mr Johnson was the sole named landlord in the written lease agreement. The respondent is Miss Laura Crawley who is the former tenant.

The parties entered into a private residential tenancy which commenced on 21 April 2021. The rent was stipulated at £325 per month. Throughout the duration of the tenancy the respondent fell into arrears of the contractual rental payments. She has now left the property.

At the time of application the sum of £1,550 was sought. It was identified that the rent statement which accompanied the initial application contained errors and, in the circumstances, an amended application was thereafter lodged together with an amended accurate rent statement. The sum sought in the amended application is £1,800 which is supported by the amended rent statement. The unchallenged detailed account statement is found to be a credible and reliable source of documentary and the tribunal attached weight to it.

It is noted that the deposit paid in the sum of £325 was recovered by the applicant and applied to cleaning and clearing costs.

The respondent has not opposed the application and has made no time to pay application. She refuses or unreasonably delays to make the payment she is obligated to make and a payment order in the sum of £1,800 is necessary.

### **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.**

**R Mill**

**16 June 2023**

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**Legal Member/Chair**

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**Date**

