



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/21/0393

Re: Property at 80 Bellfield Road, Coalburn, Lanark, ML11 0LD (“the Property”)

Parties:

Mr Charles Miller, 3 Middlemuir Road, Coalburn, South Lanarkshire, ML11 0NN (“the Applicant”)

Miss Gillian Dunn, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant a Payment Order in the sum of £1,880.00

1. This is an application for a Payment Order under Section 71(1) of the Private housing (Tenancies) (Scotland) Act 2016.
2. The Applicant is the owner and landlord of the property at 80 Bellfield Road, Coalburn, Lanark, ML11 0LD. The Respondent is the sole tenant. She entered into a Private Tenancy Agreement with the Applicant on 22 November 2019. The agreement specifies that £575 is due in respect of rent on the 22nd of each calendar month payable in advance. The Applicant asserts that the Respondent has accrued rent arrears, as at the date of the application, in the sum of £1,885.
3. A Case Management Discussion took place at 10.00 am on 26 July 2021. The hearing preceded remotely by telephone conference. The Applicant’s Representative, Miss Harrison joined the hearing. I was satisfied that the

discussion was fair and that Miss Harrison was able to put her points across. 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. I decided to continue the Discussion in the Respondent's absence. The Respondent could not be served with notice by Sheriff Officers as she had left the property and the Applicant was not aware of her whereabouts. Service has since been properly made by advertisement on the Housing and Property Chamber website.
6. Miss Harrison said that the Applicant has left the property. She has not left a forwarding address and has severed all communications. As such, he had no option but to make an application for a Payment Order.
7. According to the information contained in the application and supporting documents, the Respondent fell into rent arrears on 28 September 2020 in the sum of £575 and remained in arrears until 22 January 2021 by which time the arrears had increased to £1,880 as detailed on the rent statement to account.
8. It is clear that in November and December 2020 the Respondent made some payments towards rent arrears and as of 9 December 2020, the sum owed had been reduced from £1,150 to £650. However, no rent was paid on 22 December 2020 and 22 January 2021 causing rent arrears to increase to £1,800 as detailed on the schedule of rent payments. The application states that £1,885 was due but I am satisfied that is an arithmetical error. The Applicant has not made any attempt to bring the rent account up to date since then. The arrears are substantial and have remained over a considerable period of time.
9. Miss Harrison informed me that the respondent left the property in a state of disrepair. The house had to be cleared out and reinstated to the state the property was in on entry. This has cost the applicant around £2000 to put right. The applicant has offset the deposit against the cost to reinstate the property and accordingly, I was asked to grant a payment order in the sum of £1,880.
10. 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 and has acted unreasonably. The Respondent has been properly notified of the application by way of service by advertisement. Having considered all the information,

individually and in the round, I have decided to make a Payment Order in the sum of £1,880.00.

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.

L.A M

Legal Member/Chair

26 July 2021

Date