



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

**Chamber Ref: FTS/HPC/CV/21/0405**

**Re: Property at 3B Millport, Hawick, TD9 9DG (“the Property”)**

**Parties:**

**Horsburgh Murray Partnership, 1 Swanston Steading, 109 Swanston Road,  
Edinburgh, Midlothian, EH10 7DS (“the Applicant”)**

**Mr Daniel Keane, 3B Millport, Hawick, TD9 9DG (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for the sum of £2848.09 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. By application received on 19 February 2021, the Applicant seeks a payment order against the Respondent in relation to arrears of rent. A copy tenancy agreement and rent statements were lodged in support of the application.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 31 March 2021. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 30 April 2021 at 2pm by telephone conference call and that they were required to participate.
3. The case called for a CMD on 30 April 2021 at 2pm by telephone conference call. The Applicant was represented by Ms Tofts. The Respondent did not

participate and was not represented. He did not contact the Tribunal or lodge written representations in advance of the CMD.

### **Case Management Discussion**

4. Ms Tofts advised the Legal Member that she has had no recent contact with the Respondent. In March 2021 he was in touch by email. He said that his universal credit entitlement did not cover his full rent charge and that he had applied for a discretionary housing payment to cover the shortfall. Ms Tofts referred the Legal Member to the rent statement lodged which shows a total sum due on 12 February 2021 of £2848.09. It also shows that the last payment to the rent account was in August 2020. This was from Universal Credit. After this payment, the Respondent is understood to have started work and he made no payments to the rent account while he was working. Since the rent statement was lodged, 11 further weekly instalments of rent have become due. However, two universal credit payments of £246.66 have been received, so the rent arrears have only increased by a small amount to £2980. Ms Tofts confirmed that she was seeking a payment order for the sum of £2848.09, being the sum specified in the application.

### **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a tenancy agreement dated 10 November 2016.
7. The Respondent is due to pay rent at the rate of £56.96 per week.
8. The Respondent has been in arrears of rent since 12 March 2018.
9. The Respondent owes the sum of £2848.09 in unpaid rent to the Applicant.

### **Reasons for Decision**

10. The Legal Member considered the application and the information provided by the Applicant's agent at the CMD. The Legal Member is satisfied that the Respondent has incurred arrears of rent of £2848.09. No payments have been made to these arrears and no proposals for repayment have been offered. The Legal Member is satisfied that the Applicant is entitled to an order for payment for the sum of £2848.09.

## **Decision**

- 11.** The Legal Member determines that a payment order should be granted against the Respondent for the sum of £2848.09.

## **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.**

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**Josephine Bonnar, Legal Member**

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**30 April 2021**