



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/CV/22/0343

Property at 31 Paxstone Crescent, Harthill, North Lanarkshire, ML7 5RU (“the Property”)

Parties:

**Mr Gordon Menzies, 11 Maclean Terrace, Blackridge, West Lothian, EH48 3SJ
 (“the Applicant”)**

**Mr David Sommerville, 12 Highland Dykes Crescent, Bonnybridge, Falkirk, FK4
 1ES (“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 an order for payment of the sum of £5510.00 should be granted against the Respondent in favour of the Applicant.

Background

- 1. The Applicant seeks an order for payment in terms of Section 71 of the 2016 Act. A copy private residential tenancy agreement and a rent statement were lodged in support of the application.**
- 2. A copy of the application was served on the Respondent by Sheriff Officer on 16 May 2022. Both parties were notified that a Case Management Discussion (“CMD”) would take place on 20 June 2022 at 10am by telephone conference call and that they were required to participate.**

3. The CMD took place at 10am on 20 June 2022. The Applicant participated. The Respondent did not participate and was not represented.

Case Management Discussion

4. Mr Menzies advised the Legal Member that he recovered possession of the property on 11 April 2022. The Respondent had already moved out, but his partner did not vacate the property until this date. She had been the original tenant of the property. Mr Sommerville took over the tenancy on 1 December 2018. He signed a new PRT on that date. Mr Menzies confirmed that the arrears of rent shown on the rent statement relate only to the Respondent's tenancy. He said that the sum of £5510 remains unpaid and he has had no recent contact with the Respondent. In response to questions from the Legal Member Mr Menzies stated that the Respondent did not pay a deposit at the start of the tenancy.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondent was the tenant of the property in terms of a private residential tenancy. The tenancy terminated on 11 April 2022
7. The Respondent was due to pay rent at the rate of £350 per month.
8. The Respondent owes the sum of £5510 in unpaid rent for the period 1 December 2018 until 1 March 2022.

Reasons for Decision

9. The application was submitted with a private residential tenancy agreement and a rent statement. In terms of the tenancy agreement, rent was due to be paid at the rate of £350 per month. The rent statement shows a balance owed by the Respondent on 1 January 2022 of £4810.00. In the application, the Applicant stated that the rent due for February and March 2022 was also unpaid. The Legal Member is satisfied that the Applicant is entitled to a payment order for the sum of £5510

Decision

10. The Tribunal determines that an order for payment for the sum of £5510 should be granted in favour of the Applicant.

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.

Josephine Bonnar, Legal Member

20 June 2022