



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/19/0209

Re: Property at 171 East Mains Street, Armadale, West Lothian, EH48 2PA (“the Property”)

Parties:

Mr Philip Duncan, 19 Commerce Street, Montrose, Angus, DD10 8BN (“the Applicant”)

Mr Marc Alexander Baird, 171 East Mains Street, Armadale, West Lothian, EH48 2PA (“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 a Payment Order be made requiring the Respondent to pay to the Applicant the sum of nine hundred and thirty six pounds and seventy one pence (£936.71).

Background

This is an application which seeks a Payment Order from the Respondent for unpaid rent in terms of the Private Residential Tenancy which commenced on 14 June 2018.

The application is conjoined with FTS/HPC/EV/19/0207 in which the Applicant seeks an Eviction Order.

Hearing

The Applicant appeared personally and presented his own case.

The Respondent did not appear and was not represented. Intimation of the hearing had been made upon him.

Findings and Reasons

The rent due in terms of the lease is £650 per calendar month. The Respondent has failed to make timeous payments of rent throughout the duration of the tenancy. He was in arrears by July 2018 one month after the tenancy commenced.

A Notice to leave was served on the Respondent on 22 October 2018. The tenancy end date was 20 November 2018.

By the end date of the tenancy the Respondent had been in arrears of rent by more than one month and had been in arrears of rent for 3 continuous months. The amount outstanding was £936.71. This satisfies Ground 12 of schedule 3 of the 2016 Act.

The Respondent has failed to allow access to the Applicant and his agents to perform necessary maintenance checks including necessary landlord safety checks. This satisfies Ground 11 of schedule 3 of the Act.

The Respondent has failed to vacate the property following the tenancy being brought to an end. It is reasonable to grant an Order for Eviction and a Payment Order in the sum of rent outstanding as at the date the tenancy ended.

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

Legal Member/Chair

8/3/19

Date