



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/22/1517**

**Re: Property at 97 Colquhoun Street, Stirling, FK7 7PF (“the Property”)**

**Parties:**

**Mr Mike Pantony, 3 St Thomas's Place, Stirling, FK7 9LX (“the Applicant”)**

**Mr Gregor Robertson, 97 Colquhoun Street, Stirling, FK7 7PF (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:**

**Sum of THREE THOUSAND TWO HUNDRED AND FIFTY POUNDS (£3,250) STERLING**

- Background
  1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.
- The Case Management Discussion
  2. A Case Management Discussion (“CMD”) took place on 16 August 2022 by conference call. The Applicant was personally present and representing

himself. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 12 July 2022. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.

3. The application sought repayment of all outstanding rent with a stated amount outstanding at the date of the application of £1,300. It sought payment of any further missed payments. The Applicant submitted that nothing had been paid since the application was made and the outstanding arrears now stood at £3,250. The Applicant moved for the order for payment to be granted in that sum. The parties had entered into a Private Residential Tenancy Agreement which commenced 7 August 2020. The Respondent had failed to make payment of rent and a previous Order for Payment was granted by the First-tier Tribunal under reference FTS/HPC/CV/21/2811 for arrears due between August 2020 and February 2022 in the sum of £3,250. The Respondent had made a payment of £3,600 in February 2022 to clear the arrears, but had failed to pay anything since then, and as a result had accrued this further arrear of £3,250. The Respondent had failed to engage with any attempts by the Applicant to contact him.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 7 August 2020;
- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £650 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,250.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £650 per month under Clause 8 of the Agreement and had failed to do so. He had accrued arrears amounting to £3,250 and which fell lawfully due to be repaid to the Applicant.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND TWO HUNDRED AND FIFTY POUNDS  
(£3,250) STERLING

## **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.**

**Fiona Watson**

**Legal Member/Chair**

**Date: 16 August 2022**