



**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/21/2947**

**Re: Property at 23 Finglen Crescent, Tullibody, Clackmannanshire, FK10 3GJ (“the Property”)**

**Parties:**

**Mrs Jan Langford, Lake Cottage, Main Road, Huntley, GL19 3DZ (“the Applicant”)**

**Mr Jack Parsons, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £186.25.**

**Background**

1. This is an application received in the period between 26<sup>th</sup> November and 23<sup>rd</sup> December 2021 and made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”).
2. The Applicant is the landlord of the Property, and the Respondent was the tenant, in terms of a tenancy agreement that commenced on 22<sup>nd</sup> July 2019 at an agreed rent per month of £515. The tenancy ended on 11<sup>th</sup> June 2021.
3. The Applicant’s representative lodged a copy of the tenancy agreement, an invoice in respect of repairs, tenancy deposit scheme correspondence and a rent statement. The Applicant was seeking an order for payment in respect of unpaid rent in the sum of £186.25.
4. Service of the application and notification of a Case Management Discussion to take place on 22<sup>nd</sup> April 2022 upon the Respondent by Sheriff Officers was

unsuccessful, as were attempts to obtain a new address for the Respondent. The Case Management Discussion was adjourned.

5. Service upon the Respondent was carried out by advertisement which appeared on the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 5<sup>th</sup> August until 5<sup>th</sup> September 2022.

### **The Case Management Discussion**

6. A Case Management Discussion took place by telephone conference on 5<sup>th</sup> September 2022. The Applicant was not in attendance and was represented by Mr John McKeown, Trainee Solicitor. The Respondent was not in attendance.
7. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the Hearing. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.
8. Mr McKeown moved the Tribunal to grant the order for payment. There has been no contact from the Respondent, despite attempts to email him. The date of payment of rent changed from the 22<sup>nd</sup> of each month to the 1<sup>st</sup> of each month, following a request from the Respondent's mother. The Respondent failed to pay the rent for May and June 2021, leaving an outstanding sum of £701.25, which was reduced to the sum outstanding when the lodged tenancy deposit was recovered by the Applicant.

### **Findings in Fact and Law**

9.
  - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 22<sup>nd</sup> July 2019 at an agreed monthly rent of £515.
  - ii. The tenancy ended on 11<sup>th</sup> June 2021.
  - iii. Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
  - iv. The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

10. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

## **Decision**

11. An order for payment is granted in favour of the Applicant in the sum of £186.25.

## **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.**

H. Forbes

**Helen Forbes**

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**Legal Member/Chair**

**5<sup>th</sup> September 2022**

**Date**