



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/23/2377

Re: Property at 11 Alder Road, Clydebank, G81 3PU ("the Property")

Parties:

Mr Simon Ross, Mrs Caroline Ross, 21 Parkhall Road, Clydebank, G81 3QS ("the Applicant")

Caitlin Andrew, 206 Duntocher Road, Clydesbank, G81 4RQ ("the Respondent")

Tribunal Members:

Lesley-Anne Mulholland (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") made an Order for Payment in the sum of eight hundred and twenty-seven pounds and sixty-three pence (£827.63) with interest thereon at the rate of 4% per annum running from the date of the decision of the First-tier Tribunal in granting this order, being 6 October 2023, until payment.

Introduction

1. This is an application under Rule 111 and Section 71 of the Private Housing (Scotland) Act 2016 for a Payment Order.
2. A Case Management Discussion (CMD) took place at 1400hrs on 6 October 2023 by teleconference. The Applicants were not present. They were represented by Emma McCulloch, on behalf of Eve Property (Scotland) Ltd. who joined the hearing (the Agent).
3. The Respondent has failed to engage with the application in anyway. She has not made contact with the Housing and Property Chamber, First-tier Tribunal for Scotland. I was satisfied that she was properly notified of the hearing. Bearing in mind the overriding objective and the need to deal with

applications timeously, fairly and justly, I decided to hear the application in her absence.

4. Miss McCulloch informed me that the tenancy commenced on 12 August 2021 and terminated on 30 January 2023. She began to fall into arrears from November 2022 and has made no payments since then. At the point of vacating the tenancy and the rent arrears stood at £1,322.63. The deposit was returned unchallenged which has reduced the arrears to £827.63.
5. The Applicants were willing to work with the Respondent and initially made an agreement for payment towards the arrears at £255 for four months. The Respondent failed to make any payment and thereafter a second agreement was made to pay £150 per month. Again, the Respondent failed to make any payment. In August 2023, the Respondent agreed to pay £100 per month from the start of October 2023. She asked again for the bank details but failed to make payment without excuse.
5. Having considered all of the information individually and together, I am satisfied that despite the Respondent making an agreement that she has no intention of making payment towards the rent arrears. I draw this conclusion as she has made no payment whatsoever since November 2022. She has failed to engage with this application. Accordingly, I am satisfied that the Respondent owes the Applicants the sum of £827.63 and I make a payment order for that amount. The rent statement has been produced and is referred to for its terms.
6. I have decided to award interest at 4% per annum, as it is fair and reasonable to do so, running from the date of this decision until payment.

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.



Legal Member

Date 6 October 2023