



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/22/3231

Re: Property at 59 Hillside, Houston, PA6 7NT (“the Property”)

Parties:

Mrs Fiona Siddall, 14 Ludwig Van Beethoven, Porta D'Orba, Orba, 03790, Spain (“the Applicant”)

Mr Nigel Siddall, 14 Ludwig Van Beethoven, Porta d’Orba, Orba, Spain, 03790, Spain (“the Applicant’s Representative”)

Miss Jordan Clark, 59 Hillside, Houston, PA6 7NT (“the Respondent”)

Tribunal Members:

**Ms. Susanne L. M. Tanner K.C. (Legal Member)
Ms. Elizabeth Currie (Ordinary Member)**

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondents should pay to the Applicant the sum of FOUR THOUSAND TWO HUNDRED AND NINETY SEVEN POUNDS (£4,297.00) STERLING; and made an Order for Payment in respect of the said sum.

Procedural background

1. The Applicant's Representative made an application to the tribunal on 4 September 2022 in terms of Section 16 of the Housing (Scotland) Act 2014 ("the 2014 Act") and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 ("the 2017 Rules").
2. The Applicant seeks an order for payment in respect of rent arrears for the Respondent's tenancy of the Property.
3. A Case Management Discussion (CMD) took place on 14 March 2023 and proceeded in the absence of the Respondent. The Application was amended during the CMD to change the name of the Applicant and increase the sum claimed. Notes on the CMD were sent to both parties.
4. After the CMD the Applicant provided updated rent statements, with the latest being dated 9 May 2023. The Applicant amended the Application to seek the increased sum of £4500.00 in respect of rent due to 31 May 2023.
5. The Applicant provided the following documents in support of the amended Application:
 - 5.1. Tenancy agreement
 - 5.2. Letters from Applicant to Respondent about non payment of rent.
 - 5.3. Updated rent statements including statement dated 9 May 2023.
6. The tribunal's administration obtained a copy of the Title Sheet for the Property which showed the registered proprietor from 11 October 2005 as the Applicant.
7. The tribunal sent letters of notification to all parties with the date, time and arrangements for joining the Case Management Discussion ("CMD") in relation to the Application.

Second CMD: 17 May 2023, 1000h, teleconference

8. The Applicant's Representative confirmed that the rent statement dated 9 May 2023 shows the rent arrears due as at today's date (17 May 2023) are £4297.00. On behalf of the Applicant he is seeking a payment order for that sum. He reserved the Applicant's right to make an application seeking any further arrears at a later date, once the tenancy has ended.
9. The Applicant's Representative stated that the Respondent has not made any payments of rent since the Application was made.

10. Findings-in-Fact

- 10.1. The Applicant is the registered proprietor of the Property.
- 10.2. There is a private residential tenancy agreement between the Applicant and the Respondent for the Property.
- 10.3. Rent is payable at the rate of £450.00 per calendar month on the 1st day of each month.
- 10.4. The Application to the tribunal was made on 4 September 2022.
- 10.5. As at 17 May 2023, the Respondent was in arrears of rent of £4,297.00.
- 10.6. The Respondent continues to reside in the Property.
- 10.7. An order for eviction of the Respondent was made in related proceedings on 17 May 2023.

Discussion

11. As the tribunal was satisfied that the Respondent owes £4,297.00 to the Applicant by way of rent arrears to 17 May 2023, the tribunal made an Order for Payment in respect of the rent arrears in the sum of £4,297.00.

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.

S. L. M. Tanner

17 May 2023

**Ms. Susanne L M Tanner K.C.
Legal Member/Chair**