

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/18/1133

Re: Property at Flat 69i, 45 Dundonald Road, Paisley, PA3 4ND ("the Property")

Parties:

Mr Andrew Nicol, 24 Furrow Crescent, Cambuslang, G72 6WN ("the Applicant")

Mr Kevin Kagabo, Flat 69i, 45 Dundonald Road, Paisley, PA3 4ND ("the Respondent")

Tribunal Members:

Colin Dunipace (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that

The Application should be granted in the amended sum of One Thousand, two hundred and thirty pounds and 3 pence (£1,230.03) Sterling.

- **This was an application in terms of the Civil Proceedings (Assured) [Rule 70] on the part of the Applicant for payment by the Respondent in the sum of £1,595.03. The Parties had entered into a tenancy agreement on 26 May 2017 whereby the Respondent leased the property at 0/2 66 Stock Street, Paisley, Renfrewshire, with a monthly rental being due in the sum of £365 due on the 26th day of each month. The lease commenced on 26 May 2017. The Respondent ultimately vacated this property, and at the time of his departure from same he was in arrears of rent, having not paid the required rental payments on a number of occasions.**
- **At the Case Management Discussion, the Applicant was represented by Ms Rowlinson of Messrs Jackson Boyd Lawyers. The Respondent was present at his discussion. At the outset of the Discussion the**

Applicant's representative indicated that she wished to amend the sum sought to £1,230.03, under explanation that the sum of £365 had been returned to the Respondent in respect of the Respondent's deposit. The Respondent indicated that he understood the reason for this amendment and did not object to same. Having discussed matters the Respondent it was noted that he did not dispute that the sum now sought was due by him. The Respondent explained that he had fallen on difficult times and that he had struggled to pay the agreed rental payments. The Respondent explained that he had sought to engage with the Applicant through his appointed Letting Agents with a view to arranging to repay the sums due. The Respondent indicated that he wished to make repayment of the sums due by him as best he could having regard to his financial circumstances.

- It has been established therefore that the sum sought by the Applicant was properly due by the Respondent.
- Having considered the documentary evidence lodged by the Applicant, and having heard submissions from the parties, it has been established, and indeed it has been accepted that the sum sought by the Applicant is due by the Respondent. In these circumstances it has been possible to determine the Application today in terms of section 17 (4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017.
- An order for payment is accordingly made in the sum of One Thousand, two hundred and thirty pounds and 3 pence (£1,230.03) 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.

Colin Dunipace

Legal Member /

15 August 2018
Date