

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/19/0169

Re: Property at Flat 4, 16 Templehill, Troon, KA10 6BE (“the Property”)

Parties:

McLennan Adam Ltd, 13 Alloway Place, Ayr, KA7 2AA (“the Applicant”)

Miss Ellie Fergusson, Flat 4, 16 Templehill, Troon, KA10 6BE (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £3,511.

Background

The Applicant submitted an application seeking an order for payment in the sum of £1,711. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at Flat 4, 16 Templehill, Troon, KA10 6BE. A case management discussion took place on 3rd April 2019 and reference is made to the notes of that case management discussion.

No written representations have been received from the Respondent.

The Case Management Discussion

The Applicant was represented by Mr Spence. The case management discussion proceeded in the absence of the Respondent. The Applicant’s representative advised that he issued a letter dated 25th April 2019 to the Respondent enclosing a

copy of the up to date rent ledger showing that the rent arrears amounted to £3,511. The letter was intimated to the Respondent by sheriff officer on 30th April 2019. A copy of the certificate of execution from sheriff officers was produced. The Applicant's representative moved to amend the sum sought in the application to £3,511. The Tribunal was satisfied that the Respondent had been given notice of this proposed amendment. The Tribunal granted the application to amend. The Applicant's representative relied upon the update rent ledger and moved for an order for payment in the sum of £3,511.

Findings in Fact

1. The Applicant and the Respondent entered into a Tenancy Agreement in respect of the property at Flat 4, 16 Templehill, Troon.
2. The rent payable was £450 per month.
3. As at the date of the case management discussion, rent arrears amounted to £3,511.
4. The Applicant is entitled to the Order sought for payment in the sum of £3,511.

Reason for Decision

The Applicant has produced a rent statement which shows that the rent arrears amounted to £3,511 as at the date of this case management discussion. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

N Irvine

Legal Member/Chair

15th May 2019

Date