



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) and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/20/2598

Re: Property at 55 Buntine Crescent, Stirling, FK7 9JB (“the Property”)

Parties:

Mrs Margaret Neilson, 4 Westerlands Drive, Stirling, FK8 2AS (“the Applicant”)

Mr Maceij Ochman otherwise Oochman, residing formerly at 55 Buntine Crescent, Stirling, FK7 9JB and now at 23 Hill Street, St Ninnians, Stirling, FK7 0DW (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for One Thousand Four Hundred and Sixty-two Pounds Fifty Pence (£1,462.50) Sterling be granted.

1. By application received on 15 December 2020 (“the Application”), the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent due arising from a private residential tenancy agreement between the her, the Respondent and Ms. S. Hunter. The Application comprised an application form, copy private residential tenancy agreement showing a monthly rent of £650.00, statements of rent due and paid and email correspondence between the Parties and Ms. Hunter in respect of liability for unpaid rent.
2. On 6 January 2021, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 11 February 2021 at 11.30 am by telephone

conference call. The Application was intimated to the Respondent. The CMD was intimated to both Parties.

CMD

3. The CMD took place on 11 February 2021 at 11.30 am by telephone conference call. The Applicant both took part. The Respondent did not take part and was not represented.
4. The Tribunal noted that the email correspondence between the Parties and Ms. Hunter showed that rent arrears had accrued during the joint tenancy entered into between the Applicant, the Respondent and Ms. S. Hunter and that an arrangement had been reached by the Parties by emails dated 23 and 26 October 2020 whereby the Respondent undertook to pay £1,462.50 by 30 November 2020 to the Applicant in settlement of the rent arrears. The Applicant confirmed that this was correct and confirmed that payment was not received by her from the Respondent. She advised that she had checked her bank account on the morning of the CMD and the sum remained unpaid.

Findings of the Tribunal.

5. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There was a private residential tenancy agreement between the Parties and Ms. S. Hunter;
 - ii) The monthly rent was £650.00 payable in advance;
 - iii) Rent arrears accrued and the Parties and Ms. S. Hunter came to an arrangement that the Respondent would pay £1,462.50 by 30 November 2020 to the Applicant in settlement of the rent arrears;
 - iv) The Respondent did not make payment of this sum;
 - v) Accordingly, £1,462.50 is due by the Respondent to the Applicant.

Decision of the Tribunal and Reasons for the Decision.

6. Having found the sum of £1,462.50 is due and owing, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment with interest as requested.

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.

Karen Moore

Legal Member/Chair

11 February 2021
Date