



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/CV/22/3613**

**Re: Property at North Lodge, Paxton House, Berwick - upon-Tweed, TD15 1SZ (“the Property”)**

**Parties:**

**Mr David Home Miller, Wedderburn Castle, Duns, TD11 3LT (“the Applicant”)**

**Mr Andrew Anderson, 2 Gosforth Terrace, Gosforth, Newcastle, NE3 1RT (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £2,451-38.**

**Background**

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears, damages.

The Tribunal had regard to the following documents:

1. Application received 3 October 2022;
2. PRTA commencing 14 September 2018;
3. Rent Statement as at 17 August 2022.

**CMD**

The Applicant participated and represented himself as did the Respondent.

Both Parties agreed that the sum of £2,451.38 was due in respect of rent arrears.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 14 September 2018;
2. The monthly rent was £525;
3. As at 17 August 2022 the Respondent was in arrears of rent in the sum of £2,451.38.

### **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought.

### **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

**26 January 2023**

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**Date**