



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) Act 2016

Chamber Ref: FTS/HPC/CV/22/1195

Re: Property at 8 Freddie Tait Street, St Andrews, Fife, KY16 8HQ (“the Property”)

Parties:

Mr Julian Dale, Dr Nicola Quick, 5 Wykham Gardens, Banbury, Oxfordshire, OX16 9LF (“the Applicant”)

Mr Stephen Sacco, 8 Freddie Tait Street, St Andrews, Fife, KY16 8HQ (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £5000 should be granted against the Respondent in favour of the Applicant.

Background

1. This is an application in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant sought an order for payment of the sum of £5412 in terms of s71 of the Private Housing (Tenancies) (Scotland) Act 2016.

2. The Tribunal had before it the following documents:

a) Application dated 17 April 2022.

- b) Tenancy agreement with a commencement date of 1 January 2022.
 - d) Rent Statement dated 7 July 2022
 - e) Time to Pay Application dated 15 June 2022
 - f) Time to Pay Acceptance dated 26 June 2022
3. A CMD was set for 22 July 2022 at 2pm.
 4. On 21 May 2022 all parties were written to with the date for the CMD.
 5. Service was effected on the Respondent by Sheriff Officers on 23 May 2022.

The Case Management Discussion (CMD)

6. The Case Management Discussion (CMD) took place at 2pm on 22 July 2022 by teleconferencing. The Applicant dialled in as did the Respondent.
7. Prior to the CMD taking place, the Applicant had sought to amend the sum claimed in the initial application in terms of Rule 14 A of the Rules from £3200 to £6050.
8. The Respondent had, prior to the amendment being lodged, indicated that he accepted the sums due and offered a Time to Pay Direction at £100 per month.
9. After the amendment was lodged the Respondent had lodged various representations suggesting he did not accept the further sums due and had raised issues of mould , leaks, loss of refrigerated goods and broken decking for which he stated that he was due either an abatement of rent or damages .
10. At the CMD parties had fruitful discussions.
11. The Applicant confirmed that the rent due and outstanding to the date that the Respondent left the Property on 10 July 2022 amounted to £5412.
12. The Respondent accepted that position.
13. Parties reached an agreed position whereby the Applicant sought an Order for Payment of £5000. The Respondent agreed that sum was due in respect of arrears of rent after deduction of £412 to represent the ancillary matters he had raised.

14. Parties also agreed that the £850 deposit which had been paid by the Respondent would be paid by the Respondent in full to the Applicant. £750 of the deposit would be paid towards the Payment Order. £100 would be paid from the deposit towards cleaning costs.

15. The Time to Pay Application at £100 per month was accepted and a Time to Pay Direction was granted.

Findings in Fact

16. The Applicant is the owner and the landlord of the Property.

17. The Applicant entered into a Private Residential Tenancy Agreement (PRT) with the Respondent.

18. The PRT had a start date of 1 January 2022

19. In terms of the PRT, the tenant was due to pay rent at the rate of £950 per month.

20. The Respondent left the Property on 10 July 2022.

21. There are rent arrears of £5412

22. Parties are in agreement that there should be a deduction of rent in relation to issues raised by the Respondent in the sum of £412

23. Parties are in agreement that an Order for Payment is granted in respect of rent arrears in the sum of £5000.

Reasons for Decision

24. The application was submitted with a PRT and a rent statement. In terms of the PRT, rent is due to be paid at the rate of £950 per month. The Tribunal is satisfied that the sum due in respect of outstanding rent is £5412 and the parties had reached a compromise agreement that the sum of £412 would be deducted in relation to grievances raised by the Respondent.

25. Parties were also in agreement that a Time to Pay Direction should be granted for instalments at £100 per month.

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.

Yvonne McKenna

22 July 2022

Legal Member/Chair

Date