



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/CV/19/3896

Re: Property at 66 Braes of Gray Road, Dundee, DD2 5FQ (“the Property”)

Parties:

Dr Hannah Kate Lord, c/o Ward 32, Ninewells Hospital, Dundee, DD1 9SX (“the Applicant”)

Mr David Stokes, Mrs Natalie Stokes, 66 Braes of Gray Road, Dundee, DD2 5FQ; 66 Braes of Gray Road, Dundee, DD2 5FQ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the second-named Respondent, Nicola Stokes)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):

Sum of SIX THOUSAND FIVE HUNDRED POUNDS (£6,500) STERLING

- Background
- 1. An application dated 6 December 2019 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.
- The Case Management Discussion
- 2. A Case Management Discussion took place on 21 July 2020 by teleconference. The Applicant was represented by Ms Rae of Thorntons Law LLP. The first-named Respondent, David Stokes, was personally present. There was no appearance by

or on behalf of the second-named Respondent, Natalie Stokes. Mr Stokes confirmed he was not appearing on Mrs Stokes' behalf. The application had been intimated on the Respondent by Sheriff Officer on 20 February 2020. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.

3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/19/3894 was heard at the same time.
4. The Applicant's representative moved for the order for payment to be granted in the sum of £7,150. The parties had entered into a Private Residential Tenancy Agreement which commenced 16 August 2019. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £7,150. The arrears had commenced in August 2019 and there had been a continuous arrear to date.
5. The first-named respondent submitted that he had made a payment in cash of £650 in August which was not reflected in the rent statement. He disputed that the sum of £7,150 was due. He agreed that the sum of £6,500 was due. The Applicant's representative thereafter amended her motion and sought payment in the sum of £6,500 to be granted in the Applicant's favour.

- Findings in Fact

6. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 16 August 2019;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £650 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to at least £6,500.

- Reasons for Decision

7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £650 per month under Clause 8 of the Agreement and had failed to do so. The Respondent admitted that he had accrued arrears amounting to £6,500 and which fell lawfully due to be repaid to the Applicant.
8. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

9. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of SIX THOUSAND FIVE HUNDRED POUNDS (£6,500) 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.

Fiona Watson

Legal Member/Chair

21 July 2020
Date