



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/20/0525

Re: Property at 16 Kirkshaws Avenue, Coatbridge, ML5 5BX (“the Property”)

Parties:

Mr Jamie McHutchison, 115 Ballochmyle Wynd, Coatbridge, ML5 4QF (“the Applicant”) represented by Ms Vikki McGuire , Jewel Homes Limited , Atrium Business Centre, North Caldeen Road, Coatbridge, ML5 4EF

Miss Louise Brown, 16 Kirkshaws Avenue, Coatbridge, ML5 5BX (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order should be granted for payment in the sum of **TWO THOUSAND SEVEN HUNDRED AND FORTY NINE POUNDS AND SEVENTY FIVE PENCE (£2749.75)**

Background

1. By application dated 10 February 2020, the applicant sought an order under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. On 19 March 2020 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was set to take place on 31 July 2020 and appropriate intimation of that hearing was given to both the landlord and the tenant

The Case Management Discussion

3. The Case Management Discussion (CMD) took place on 31 July 2020 via telephone case conference. The applicant was represented by his letting agent, Ms Vikki McGuire , Jewel Homes Limited , Atrium Business Centre, North Caldeen Road, Coatbridge, ML5 4EF . The Respondent attended personally
4. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters
5. The tribunal asked various questions of the parties with regard to the application
6. The respondent freely admitted that she owed the arrears which were being claimed
7. The applicant's representative confirmed that she wished the order sought to be granted

Findings in Fact

8. The Applicant is the registered owner of the property. He granted permission to Paul McNiven to act as landlord in a lease of the property to the respondent. and Mr McNiven and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 21 September 2019
9. The tenancy was a private residential tenancy in terms of the Act
10. The agreed monthly rental was £550
11. Arrears had started to accrue from November 2018, shortly after the commencement of the tenancy. At the date of the lodging of the application arrears amounted to £2749.75
12. The tenants had been continuously in arrears from at least November 2018 until the date of the CMD.
13. The sum claimed in terms of the application was £2749.75 and this sum was still owed at the date of the CMD.
14. The basis for the order for Payment was accordingly established

Decision

15. The order for payment of arrears is granted. The tribunal is satisfied, based on the evidence presented on behalf of the applicant and accepted by the respondent which is reflected in the Findings in Fact and the notes of the CMD

set out above, that rent arrears of £2749.75 are outstanding and are due to be paid by the respondents

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.

Jim Bauld

Legal Member/Chair

31 July 2020

Date