Housing and Property Chamber
First-tier Tribunal for Scotland

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/20/1235

Re: Property at 1 Peacock Court, Edinburgh, EH6 4HZ ("the Property")

Parties:

Mrs Julianne Sharples nee O'Brien, 9 Camptoun Holdings, North Berwick, EH39 5BA ("the Applicant")

Ms Keara Murphy, 1 Peacock Court, Edinburgh, EH6 4HZ ("the Respondent")

Tribunal Members:

Fiona Watson (Legal Member) and Mary Lyden (Ordinary Member)

Decision

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

Sum of THREE THOUSAND FOUR HUNDRED POUNDS (£3,400) STERLING

- Background

1. An application dated 23 May 2020 was submitted to the Tribunal under Rule 70 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 short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion ("CMD") took place on 1 October 2020 by tele-conference. The Applicant was personally present and represented by Mrs Mullen, Solicitor. The Applicant's letting agent, Ms Smith of Arden Property

Management, was also present. The Respondent was personally present and represented by Mr Wilson of CHAI.

3. The Applicant's representative moved for an Order for Payment in the increased sum of £2,400. The Respondent submitted that a further payment had been made, and whilst it was admitted that there were rent arrears due by the Respondent, the level of these was not agreed. The CMD was Adjourned and a Hearing fixed in order for evidence to be led on the level of rent arrears due by the Respondent to the Applicant.

- The Hearing

4. A Hearing took place on 12 November 2020 by tele-conference. The Applicant was personally present and represented by Mrs Mullen, Solicitor. The Applicant's husband, Mr Christopher Sharples, was also present. The Applicant's letting agent, Ms Smith of Arden Property Management, was also present. The Respondent was personally present and represented by Mr Wilson of CHAI.

5. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 66 of the Rules and under case reference FTS/HPC/EV/20/ 1234 was heard at the same time.

6. The Applicant moved for the order for payment to be granted in the increased sum of £3,400. An updated rent statement was lodged by the Applicant showing the rent payments made from the start of the lease to date. Following an adjournment of the Hearing to allow the Respondent's solicitor to take instructions from the Respondent on the level of rent arrears due, the Respondent admitted that the sum of £3,400 was indeed due to be repaid to the Applicant, and no defence was stated to the application for payment.

- Reasons for Decision

7. In the absence of any opposition being stated by the Respondent, and in light of the sum claimed being agreed, the Tribunal was satisfied that the Applicant was entitled to payment in the sum of £3,400. Accordingly, the Applicant was entitled to the Order for Payment as sought. This was a unanimous decision.

- Decision

8. 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 THREE THOUSAND FOUR HUNDRED POUNDS (£3,400) 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   **Date: 12 November 2020**