



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/20/2255

Re: Property at Milnfield Farmhouse, Annan, DG12 5QP (“the Property”)

Parties:

G & F Birkbecks Childrens Trust, Estate Office, Hoddum, Lockerbie, DG11 1BE (“the Applicant”)

Mr John D Haslam, Ms Louise Peat, 27 Watermans Walk, Carlisle, CA1 3TJ (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a Payment Order in the sum of £3679.45

Background

1. The Applicant entered into a Private Rental Agreement with the Respondent for the property at Minefield Farmhouse, Annan, DG12 5QP.
2. On 11 December 2020, an application for a Payment Order was accepted. The Payment Order sought was in the sum of £4529.45 and represented rent arrears.
3. A Case Management Discussion took place on 8 February 2021. At that Case Management Discussion, Mrs Kerr asked to amend the sum sued for by reducing it by £850 as The Respondents had paid a further £850 towards their rent arrears. As the required notice period had not been given, and The Respondents were not present or represented, I decided to continue the Case Management Discussion until today.

4. The Case Management Discussion today was attended by the Applicant's Representative, Mrs Kerr. I am satisfied that The Respondent has been properly notified of the today's discussion by letter dated 12 February 2021.
5. It is clear that The Respondents have not indicated any intention to take part in the proceedings or taken part in any way. The original sum sued for was £4529.45, referred to in the schedule of rent payments, which can be found in the documents before me.
6. The amended sum sued for is £3679.45.
7. Having considered all the documents before me, alongwith the submission by Mrs Kerr, I am satisfied that The Respondents have accrued rent arrears in the sum of £3679.45. Accordingly, I make a Payment Order in that sum.

Decision

A Payment Order in the sum of £3679.45 is made.

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.

12 March 2021

Lesley-Ann Mulholland
Legal Member

Date _____