



**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 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/PR/21/0705**

**Re: Property at Braemore House, Meigle, Blairgowrie, Perthshire, PH12 8QX (“the Property”)**

**Parties:**

**Mr Lee Raymond Bushby, Mrs Sandra Helen Bushby, 3 Gwash Meadows, Ryhall, Rutland, PE9 4LB (“the Applicant”)**

**Mr Colin McKenzie-Stewart, Mrs Susan McKenzie-Stewart, Braemore House, Meigle, Blairgowrie, Perthshire, PH12 8QX (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member) and David Fotheringham (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay the sum of TWELVE THOUSAND POUNDS (£12,000) to the Applicant.**

**Background**

- 1. This is an application under Rule 111 of the Rules for payment of the sum of £10,000 in respect of rent arrears stated to be due by the Respondent. The application is dated 19<sup>th</sup> March 2020. A case management discussion was held on 19<sup>th</sup> May 2021.**
- 2. The Applicant had submitted an application for eviction and a case management discussion on that application was dealt with at the same time.**

3. The case management discussion was conducted by audio conferencing.
4. Miss June McNicol, solicitor, appeared for the Applicant. Mr and Mrs McKenzie- Stewart were both present.

#### **Preliminary Matters**

5. Miss McNicol referred to a submission she had sent to the Tribunal with an updated rent statement and she asked that the application be amended in respect of the sum being sought. She said that the statement reflects the current rent arrears of £12,000 and requested that the application should be amended in terms of Rule 14A.
6. Mr McKenzie- Stewart said that he had had intimation of the request to amend the application and that he had no opposition to this. He said that it is accepted that the level of rent arrears is £12,000.
7. The Tribunal allowed the application to be amended as requested by the Applicant's representative.
8. The purpose of a case management discussion was explained to the parties. Ms McNicol said that she was seeking the payment order to be made without the matter proceeding to a Hearing for determination.
9. Mr McKenzie- Stewart said that he had no evidence to lead on the matter.

#### **Documents before the Tribunal:**

- 10.1 The application dated 19<sup>th</sup> March 2021.
- 10.2 Copy Private Residential Tenancy Agreement with commencement date 8<sup>th</sup> March 2019.
- 10.3 Rent Statement showing arrears of £12,000 as at 8<sup>th</sup> April 2021

## **Findings in Fact**

**11.1 The Applicant and the Respondent entered into a private residential tenancy agreement with a commencement date of 8<sup>th</sup> March 2019.**

**11.2 In terms of the tenancy agreement, the Respondent was contractually obliged to pay the monthly rent of £2,000.**

**11.3 As at 8th April 2021, there were arrears of rent due to the Applicant amounting to £12,000.**

## **Reasons**

**11. The amount of rent arrears is not in dispute.**

**12. Mr McKenzie- Stewart explained that he lost his job as a result of the coronavirus pandemic and had been unable to meet all the payments for rent. He said that he is hopeful of getting another job and that, if he did so, he would be able to deal with paying what is due.**

**13. The Tribunal accepted that the private residential tenancy agreement obliged the Respondent to make monthly payments of rent of £2,000 and it accepted the terms of the rent statement which showed there to be arrears of £12,000.**

**14. Mr McKenzie- Stewart stated that there was no evidence which he wished to lead and accepted that the sum of £12,000 is due. Accordingly, the Tribunal saw no reason to continue determination to a Hearing and the matter was determined in accordance with Rule 18 of the Rules.**

## **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.**



**Martin J. McAllister, Legal Member  
19<sup>th</sup> May 2021**