



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0805

Re: Property at 1 Spinnaker Way, Dalgety Bay, Dunfermline, Fife, KY11 9GH (“the Property”)

Parties:

Ms Jill Wilkie, 21 Glamis Gardens, Dalgety bay, Fife, KY11 9TD (“the Applicant”)

Ms Gail Porte, 1 Spinnaker Way, Dalgety Bay, Dunfermline, Fife, KY11 9GH (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

Background

The Applicant seeks a Payment Order in respect of rent arrears said to be due under a tenancy between the parties. The Application was accompanied by a detailed rent statement together with other relevant documentation.

The Case Management Discussion

The Application called by conference call at 10 am on 1 June 2021 alongside the related Application with reference FTS/HPC/EV/21/0781 in respect of an Application for an Eviction Order. The Applicant was represented on the call by Mr Miller, trainee solicitor with McEwan Fraser Legal. The Respondent was personally present on the phone.

The Respondent confirmed that the amount of rent arrears was not in dispute and offered no defence to the Application. Having considered the Application and having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- I. *There was a tenancy at the Property between the parties which commenced on 21 June 2019;*
- II. *The Applicant is the landlord and the Respondent is the tenant;*
- III. *The contractual monthly rent due is £750.00 per month;*
- IV. *The Respondent very quickly fell into rent arrears and has almost never been up to date with her payments from the start of the tenancy;*
- V. *The Respondent cannot afford the Property and there is no real near-term prospect of her being able to pay the monthly rent due or making any payments towards the arrears;*
- VI. *The sum claimed in the Application of £3,617.20 is lawfully due as rent arrears by the Respondent to the Applicant but yet remains unpaid;*
- VII. *The Applicant has complied with the obligations incumbent on her under The Rent Arrears Pre- Action Requirements (Coronavirus) (Scotland) Regulations 2020;*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and make a Payment Order in the sum of £3,617.20 with interest on that sum at the rate of 5 per cent per year from today's date until payment.

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.

Andrew McLaughlin

01 June 2021

Legal Member/Chair

Date