



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/21/1305

Re: Property at 14 Courthill Street, Dalry, KA24 5AP (“the Property”)

Parties:

Axelrod Capital Ltd, 63 Haslucks Green Road, Shirley, Solihull, B90 2ED (“the Applicant”)

Ms Fatou Ndiaye, 14 Courthill Street, Dalry, KA24 5AP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

Background

The Applicant seeks a Payment Order in this Application for the sum of £4,750.00 said to have been accrued by the Respondent as rent arrears owed to the Applicant under a tenancy of the Property between the parties.

The Application had called for a Case Management Discussion (CMD) previously and had been continued with the agreement of both parties to see if a negotiated settlement could be reached.

Case Management Discussion

The Application called again today for a further CMD by conference call at 2pm on 29 October 2021. The Applicant was represented by Ms McDiarmid of Hovepark Lettings and the Respondent was again represented by Mr Meek, who is a lay advisor from CHAPS Edinburgh who offer lay representation in matters such as this Application.

It was apparent that no resolution had been reached. Mr Meek confirmed that the Respondent had been reluctant to make any reasonable proposals and he described her as prioritising her business rather than her personal debts. Mr Meek also confirmed that there was no substantive defence to the Application and the sums claimed were lawfully due and remained unpaid.

Having heard from Ms McDiarmid and Mr Meek, the Tribunal made the following findings in fact.

Findings in fact

- I. *The Applicant and the Respondent entered into a tenancy at the Property that commenced on 24 May 2019;*
- II. *The Applicant was the landlord and the Respondent was the tenant;*
- III. *The monthly rent due was £475.00;*
- IV. *The Respondent fell into rent arrears;*
- V. *The sum claimed by the Applicant in the Application of £4,750.00 is lawfully owed by the Respondent to the Applicant as rent arrears pursuant to the tenancy agreement between the parties;*
- VI. *The Respondent has failed to make adequate proposals to pay the sums due.*

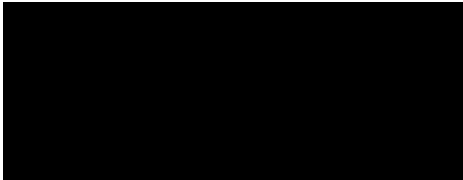
Decision

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum sought of £4,750.00.

The Applicant did not seek interest on that sum and accordingly no provision for interest was 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.



29th October 2021

Legal Member/Chair

Date