

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 71 of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1340

Property : Flat 8, 135 Low Waters Road, Hamilton ML3 7QQ (“Property”)

Parties:

Martin Reid, 3 East Scott Terrace, Hamilton ML3 6SF (“Applicant”)

Castle Letting Agency Ltd, 12 Southend Court, Strathaven ML10 6QU (“Applicant’s Representative”)

Scott McBride, Flat 8, 135 Low Waters Road, Hamilton ML3 7QQ (“Respondents”)

Tribunal Members: Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £1,210 should be made.

Background

The Applicant sought an order for payment of £1225 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement which commenced on 16 July 2021; statement of rent arrears; emails between the Applicant’s Representative and the Respondent regarding the arrears and sheriff officer’s execution of service certifying service of the Application on 28 June 2022.

Case Management Discussion

A case management discussion (“CMD”) took place before the Tribunal on 5 August 2022 by teleconference. Morag Kenyon of the Applicant’s Representative were in attendance. There was no appearance by or on behalf of the Respondent.

In advance of the CMD Ms Kenyon had lodged an up to date statement of arrears. Further rent had fallen due and a number of payments to account had been made. The total due was £1,210. She told the Tribunal that the rent had been continuously in arrears since December 2021. A payment arrangement had been agreed with the Respondent but he had not adhered to the arrangement.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents had entered into a Tenancy Agreement for the Property which commenced on 16 July 2021.
2. The rent in terms of the Tenancy Agreement was £495 per month.
3. The Respondent had failed to pay the rent in full for the period 16 December 2021 to 16 July 2022 totalling £1,210.

Reasons for the Decision

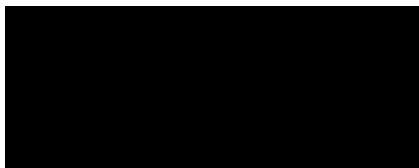
The Tribunal determined to make an Order for payment of £1,210 . Rent was due in terms of the Tenancy Agreement had not been paid in full for the period 16 December 2021 to 16 July 2022.

Decision

The Tribunal grants an order for payment of £1,210.

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.



Legal Member

Date : 5 August 2022