



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/22/3214

Property: 1 Coldswells Cottages, Longhaven, Peterhead, AB42 0NU

Parties:

Barbara Burnett, residing at Five Acres, Longhaven, Peterhead, AB42 0NZ, and Mary Pyper, residing at Carinya, Longhaven Peterhead, AB42 0NY (“the Applicant”)

Alistair B Thompson, residing at 1 Coldswells Cottages, Longhaven, Peterhead, AB42 0NU (“the Respondents”)

Tribunal Members:

Paul Doyle (Legal Member)
Gerrard Darroch (Ordinary Member)

Decision

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

Background

The Applicant sought an order for payment of rental arrears totalling £2,800.00. The Applicant had lodged with the Tribunal Form F. The documents produced included a Private residential tenancy agreement dated 11 October 2019 and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicants are the heritable proprietors of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 2.00pm on 25 January 2023. The Applicants were represented by Ms L Wilson of Peterhead Property Letting Agency. The respondent was neither present nor represented. The time date and place of the case management discussion had been intimated to the respondent by Sheriff Officers on 2 December 2022.

Findings in Fact



The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 11 October 2019. In terms of clause 8 of the tenancy agreement the respondents agreed to pay rental at the rate of £650.00 per month. In January 2022 the rental was increased to £700 per month
2. The respondent has not made a payment of rental since April 2022. At the date of application there were arrears of rent totalling £2,600.00. At today's date there are rent arrears totalling £6,300.00
3. On 18 February 2022 the applicants served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 31 August 2022 the applicant submitted this application to the tribunal.
4. The applicants ask to amend the sum claimed by increasing the sum applied for from £2,600.00 to £6,300.00 in terms of rule 13 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
5. The application was amended so that the sum applied for is £6,300.00.
6. The monthly rent is £700.00. The respondent has not made a payment of rent since April 2022, so that at the date of application there were 6 months arrears of rental. At today's date rental payments are 9 months in arrears, which total £6,300.
7. The respondent offers no resistance to the application for a payment order
8. There is no suggestion that the respondent is in arrears of rent either wholly or partly as a consequence of a delay or failure in the payment of a relevant benefit.
9. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £6,300.00 together with interest at 8% per annum from 25 January 2023.

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



25 January 2023