

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

Chamber Ref: FTS/HPC/CV/22/3622

Re: Property at 2 Craigie Avenue, Beattock, Moffat, DG10 9PD (“the Property”)

Parties:

Mrs Lisa Hall, 76 St Ninians Road, Moffat, DG10 9BG (“the Applicant”) per her agents, McJerrow & Stevenson 55 High Street, Lockerbie, DG11 2JJ (“the Applicant’s Agents”)

Ms Paige Eddleston residing at Gowanlea, Dundanion Road, Moffat, DG10 9AH (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of THREE THOUSAND THREE HUNDRED AND EIGHTY SIX POUNDS AND SEVENTY TWO PENCE (£3,386.72) Sterling be granted.

1. By application received between 3 October 2022 and 25 January 2023 (“the Application”), the Applicant’s Agents on behalf of the Applicant applied to the Tribunal for an Order for payment of rent arrears arising from a tenancy between the Parties. The Application comprised statements of rent showing £3,386.72 due and owing by the Respondent to the Applicant and copy tenancy agreement between the Parties. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 14 April 2023 at 11.30 by telephone conference. The CMD was intimated to the Parties.

CMD

2. The CMD took place on 14 April 2023 at 11.30 by telephone conference by telephone. The Applicant did not take part and was represented by Mr. Wilson of the Applicant's Agents. The Respondent took part and was not represented.
3. Mr. Wilson confirmed that the rent arrears of £3,386.72 remain outstanding. The Respondent advised that she disputed that this sum was due as the tenancy deposit of £450.00 fell to be deducted. With reference to the rent statements lodged as part of the application, Mr. Wilson pointed out that the tenancy deposit of £450.00 had been deducted. The Respondent accepted that the sum sought was due and owing by her.
4. The Respondent advised the Tribunal that she had been in discussion with the Citizens' Advice Bureau to set up a payment plan and could offer £50.00 per month towards the debt. The Tribunal advised that although an application for Time to Pay is technically possible, given the level of debt and the small sum offered, it would be likely be opposed and would not likely to be successful. Mr. Wilson confirmed that an application for Time to Pay would be opposed. The Tribunal advised the Respondent to make arrangements direct with the Applicant.

Findings in Fact

5. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a tenancy of the Property between the Parties at a monthly rent of £450.00 and
 - ii) Rent amounting to £3,386.72 is currently due and owing due and owing by the Respondent to the Applicant.

Decision

6. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" and so proceeded to make an order for payment in the sum of £3,386.72.

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.

Karen Moore

**Karen Moore
Legal Member/Chair**

**14 April 2023
Date**