

**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/22/4469**

**Property : 28 Auchenhove Crescent, Kilbirnie KA25 7HA (“Property”)**

**Parties:**

**Donie Jr Jimenez and Portia Jimenez, 31 Stevens Avenue, Birmingham B32 3SB (“Applicant”)**

**The Property Box (Scotland) Ltd, 66 Kyle Street, Ayr KA7 1RZ (“Applicant’s Representative”)**

**Gavin Mullen and Vikki McGuire, 28 Auchenhove Crescent, Kilbirnie KA25 7HA (“Respondent”)**

**CHAP, Michael Lynch Centre for Enterprise, 71 Princes Street, Ardrossan KA22 8DG (“Respondent’s Representative”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Gerrard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that that an order for payment of £1940.**

**Background**

The Applicant sought an order for payment of £1940. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement dated 21 October 2021 and a statement of rent arrears as at 7 December 2022. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 26 April 2023.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 1 June 2023 by teleconference. Alison Caddis of the Applicant's Representative was in attendance as was Alister Meek of the Respondent's Representative. Ms Caddis told the Tribunal that the rent arrears were now £2785. She said that the Applicant had received 4 payments this year from Universal credit of £425. The balance between that payment and the monthly rent was not being paid. Mr Meek said that the Application was not opposed. He said that neither Respondent was in employment. In those circumstances no meaningful payment proposal could be made.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 21 October 2021 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £495 per calendar month.
3. The Respondent has failed to pay the rent in full for the period 7 May 2021 to 7 December 2022.
4. The sum outstanding is £1940.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £495 per month. The Respondent had failed to pay the rent in full for the period 7 May 2021 to 7 December 2022.

### **Decision**

The Tribunal grants an order for payment of £1940.

### **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.**

**Joan Devine**

**Joan Devine  
Legal Member**

**Date : 1 June 2023**