



**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 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/22/0309**

**Re: Property at Flat 1/L, 21 Moorburn Road, Largs, North Ayrshire, KA30 9JA (“the Property”)**

**Parties:**

**Lochscape Property LLP, Tansey Brae, Argyll Road, Kilcreggan, Helensburgh (“the Applicant”)**

**Mr Michael Devine, Flat 1/L, 21 Moorburn Road, Largs, North Ayrshire, KA30 9JA (“the Respondent”)**

**Tribunal Members:**

**Anne Mathie (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of six thousand three hundred and seventy pounds (£6370) in respect of rent arrears be granted against the Respondent in favour of the Applicant.**

**Background**

1. An application was made dated 8 December 2021 in terms of Rule 111 of the Chamber Rules for a payment order for rent arrears (along with a conjoined application for eviction ref FTS/HPC/EV/22/0307). Along with the application form, the Applicant’s representative referred to lodging the following documents:
  - Copy tenancy agreement
  - Copy rent statement
  - Copy bank statements
  -
2. Despite the application form referring to a copy of the tenancy agreement, it was not received. The Tribunal wrote to the Applicant on 21 February 2022

requesting a copy of the tenancy agreement, clarification of title and confirmation of whether the Applicant wished to proceed to rely on unredacted bank statements. The Applicant was also asked whether she wished to submit an updated rent statement.

3. The Applicant replied on 26 February with a copy of the tenancy agreement, a copy of title documents, confirmation that she was content to proceed with unredacted bank statements and an up-to-date rent statement along with an amended section 5 of the application form showing the level of payment order being sought.
4. The application was accepted and assigned to a case management discussion. Intimation of the application and the case management discussion were served on the Respondent by Sheriff Officers on 5 April 2022. The Respondent was advised that he was required to submit any written representations in response to the application by 25 April 2022.
5. No written representations have been received from the Respondent.
6. An email was received by the Tribunal the day before the case management discussion advising the CHAP would be representing the Respondent at the case management discussion and that they had no documents to submit in advance of the case management discussion.

#### The Case Management Discussion

7. The case management discussion took place today by teleconference. Ms Anne Louise Young, Partner of the Applicant company attended and Alister Meek of CHAP attended on behalf of the Respondent. The Applicant presented her case in the form of the information on the application form and supporting documents. She confirmed that the deposit was zero and that there was an error in the rent clause of the tenancy agreement where the date should read "23 November 2020" and not "23 October 2020". The initial payments of £100 and £600 made by the Respondent were in respect of rent and had been rightly deducted from the rent arrears figure. The current level of rent arrears was £6370 and she requested that the Tribunal make a payment order for this sum. Mr Meek advised that he had instructions to not dispute a payment order for this sum and the Respondent fully understood the consequences of this course of action.

#### Findings in Fact

8. The Applicant and Respondent entered into a tenancy agreement from 24 October 2020 in relation to the Property.
9. In terms of the tenancy agreement the rent was payable in the sum of £380 per month.
10. The Respondent has accrued rent arrears in the sum of £6370.

### Reasons for Decision

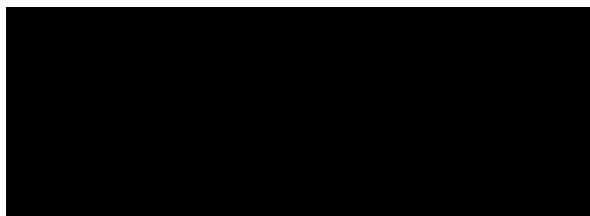
11. The Tribunal made its decision based on the written papers and evidence before it and on the oral submissions on behalf of both parties at today's case management discussion. In particular, it took into account the Respondent's instructions to not contest a payment order in the sum sought.

### Decision

12. The Tribunal determines that an order for payment for the sum of £6370 should be granted in favour of the Applicant.

### **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.**



**20 May 2022**

\_\_\_\_\_  
**Legal Member/Chair**

\_\_\_\_\_  
**Date**