



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act
2014**

Chamber Ref: FTS/HPC/CV/21/2247

Re: Property at 7B Anderson Crescent, Ayr, KA7 3RL ("the Property")

Parties:

Mr Gary McCleary, 1 Belvale Crescent, Ayr, KA7 2DR ("the Applicant")

Ms Bridget O'Neill, 7B Anderson Crescent, Ayr, KA7 3RL ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

At the Case Management Discussion ("CMD"), which took place by telephone conference on 28 April 2022, the Applicant was represented by Mr Norman Fraser, Wallace Hodge & Co. Limited, Solicitors, Ayr. The Respondent was in attendance.

The CMD took place concurrently with the CMD in the related case between the parties bearing reference FTS/HPC/EV/21/2246.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:-

Background

A CMD had previously taken place on 29 March 2022 in this and the related eviction application FTS/HPC/EV/21/2246. In the eviction application the Tribunal sought further representations from the Applicant and continued the CMD to today for that purpose. This application had been continued to the same date.

The CMD

At the CMD Mr Fraser for the Applicant stated the current rent arrears balance to be £1,488.77 and sought a payment order in that amount. The Respondent admitted the arrears of £1,488.77 to be due.

Findings in Fact

- i. The heritable proprietor of the Property is Mr Keith Arnott Storrie.
- ii. On 26 October 2018 the Applicant, on behalf of Mr Storrie, leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the Tenancy Agreement").
- iii. In terms of the Tenancy Agreement the tenancy start date was 26 October 2018.
- iv. The rent payable by the Respondent to the Applicant in terms of the Tenancy Agreement is £400 per calendar month payable in advance on the first day of each month.
- v. The Respondent remains in occupation of the Property.
- vi. As at the CMD the rent arrears due by the Respondent to the Applicant are £1,488.77.

Reasons for Decision

The rent arrears are due and are admitted to be due by the Respondent.

Decision

The Tribunal made an order for payment by the Respondent to the Applicant of £1,488.77.

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.

Gillian Buchanan

Legal Member/Chair

28 April 2022

Date