



**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/23/1042**

**Property : A, 5 Bobbins Gate, Paisley, Renfrewshire PA1 2NY (“Property”)**

**Parties:**

**Bruce McFee and Iris McFee, 36 Troubridge Avenue, Kilbarchan, Renfrewshire PA10 2AU (“Applicant”)**

**Jackson Boyd Lawyers, Centenary House, 69 Wellington Street, Glasgow G2 6HG (“Applicant’s Representative”)**

**Stephen McCarthy, A, 5 Bobbins Gate, Paisley, Renfrewshire PA1 2NY (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Mike Scott (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4518.36 plus interest thereon at the rate of 4% per annum from 14 November 2023 until payment.**

**Background**

The Applicant sought an order for payment of £2000 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 4 February 2019; a deposit certificate from SafeDeposits Scotland regarding a deposit of £400 received on 16 February 2019; a schedule of rent arrears and a copy notice to leave dated 3 February 2023 with covering email.

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

A CMD took place on 18 August 2023 by conference call. John McKeown of the Applicant’s Representative was in attendance. There was no appearance by or on behalf of the Respondent. Reference is made to the note of the CMD. On the morning of the CMD the Applicant’s Representative lodged an updated schedule of rent arrears

showing that the arrears were £4000. The CMD was continued to 14 November 2023 to allow the sum claimed to be amended.

On 13 October 2023 the Applicant's Representative lodged an updated form F in which the Applicant sought an order for payment of £4518.36 plus interest thereon and advised the Tribunal that the Applicant had obtained possession of the Property on 9 October 2023. The Applicant's Representative intimated the updated form F to the Respondent by email dated 13 October 2023.

### **Continued CMD**

A continued CMD took place on 14 November 2023 by conference call. Gwenan White of the Applicant's Representative was in attendance. There was no appearance by or on behalf of the Respondent. Ms White told the Tribunal that the Respondent returned the keys to the Property on 9 October 2023 after an order for eviction had been granted. She said that there had been no contact from the Respondent regarding the arrears. The Tribunal asked Ms White about the deposit of £400. She said that the Property had been left in a state of disrepair and the Applicant had applied via the deposit scheme for the deposit to be off set against the costs of the repairs.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 4 February 2019.
2. The Applicant obtained possession of the Property on 9 October 2023.
3. In terms of the tenancy agreement the rent was £400 per month.
4. The Respondent failed to pay the rent for the period 1 September 2022 to 9 October 2023. The unpaid amount was £4518.36.
5. The revised form F was intimated to the Respondent on 13 October 2023.
6. The date of the continued CMD was intimated to the Respondent by email on 15 October 2023.

### **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 £400 per month. The Respondent had failed to pay the rent in full for the period 1 September 2022 to 9 October 2023. The balance due was £4518.36.

## **Decision**

The Tribunal grants an order for payment of £4518.36 plus interest thereon at the rate of 4% per annum from 14 November 2023 until payment.

## **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**

**Date : 14 November 2023**